

Special Education Advisory Panel (SEAP)

November 14, 2022 Meeting Minutes

Membership of the Special Education Advisory Panel (SEAP)

Member	Representation	Att'd	Member	Representation	Att'd
Sara Bennett	Parent	P	Bryan Maughan	Parent	P
Tracie Boyer	Parent	P	Kristen Nate	Department of Health and Welfare – Child Welfare	P
Barbara Broyles	Higher Education	A	Cindy Orr	Idaho Department of Juvenile Corrections	P
Brian Darcy	Program Administrator State Education	P	Sylvia Purcell	Parent	A
Katie Flores	Parent	P	Heather Ramsdell	Higher Education – Idaho State University	P
Gretchen Fors	Parent	P	Carly Saxe	Self-Advocate	P
Malia Hollowell	SPED Teacher	P	Charlie Silva	State Department of Education – Director of Special Education	P
Jennifer Johnson	Parent	P	Emily Sommer	State Department of Education – McKinney-Vento/Homeless Coordinator	P
Eric Lichte	Charter School	P	Laura Wallis	Parent	A
Angela Lindig	Parent & IPUL	P	Joey Ward	Idaho Department of Corrections	P
Alison Lowenthal	Vocational Rehabilitation	P	Robin Zikmund	Parent	P
Jill Mathews	State Department of Education – Family and Community Engagement	A			

Guests

Member	Representation	Att'd	Member	Representation	Att'd
Randi Cole	SDE	P	Renee Miner	Idaho SESTA	P
Alisa Fewkes	SDE	P	Julie Mead	Idaho SESTA	P
Kimberli Shaner	SDE	P			
Debi Smith	SDE	P			
Kristy Buffington	IESDB	P			

SDE = State Department of Education

P = Present

A = Absent

#	Topic	Topic Owner(s)	Discussion	Next Steps
1	Welcome & Call to Order	<i>Katie Flores, Vice-Chair</i>	<ul style="list-style-type: none"> • <i>Laura is unable to join us today due to a family emergency. Katie will be chairing.</i> 	
2	Approval of September 26, 2022 Minutes	<i>Katie Flores</i>	<ul style="list-style-type: none"> • <i>Welcome and review of September meeting notes.</i> Motion to accept minutes: <i>Brian Darcy</i> Second: <i>Eric Lichte</i> Discussion: <i>None</i> Approved unanimously • <i>Introductions</i> 	
3	Federal/State Updates	<i>Charlie Silva</i>	<p><u><i>Federal Updates</i></u></p> <ul style="list-style-type: none"> • <i>CASE Conference was held last week in Salt Lake City; conference for local SPED directors. OSEP (Office of Special Education Programs) director Valarie Williams is committed and working diligently to accomplish things in her four-year term.</i> <ul style="list-style-type: none"> ○ <i>We are working on change in the documents provided by OSEP (making them more user-friendly and readable).</i> ○ <i>Working on funding issues; Idaho will see an increase in funding, but this is due to inflation.</i> ○ <i>OSEP wants to see what the results are with additional funding.</i> ○ <i>Working on reauthorization.</i> ○ <i>Informal removals (will discuss this today in our meeting). There are too many children/youth being removed from schools. OSEP came up with documents back in July pertaining to discipline.</i> ○ <i>We will send out guidance on general supervision.</i> ○ <i>Pushing for Vocational Rehab and states to work better together (this does not present as an issue in Idaho).</i> ○ <i>Through the Secretary of Education, new guidelines were</i> 	

released regarding students who are homeless or with a high mobility rate to ensure their academic rights are met. Do not want these children to fall through the cracks because of their high mobility rate.

State Updates

- *We have a parent on SEAP who needs to resign, but we have a parent from North Idaho who is interested. Charlie will be discussing the matter with Laura Wallis, Chair, regarding the application.*
- *Charlie Silva is resigning from her position as Director of Special Education. She will be working at the national level for a company that provides technical assistance to states.*
- *The new superintendent starts January 3rd or 5th (Debbie Critchfield). She has a background in special education and will be a support to this population.*
- *OSEP will be visiting Idaho, but this has been pushed back to October 2023 (was supposed to be June 2023). The change in the date was due to efficiency. OSEP will be interviewing stakeholders before then, though, and will start requesting records in May/June 2023. Idaho is in the first cohort of these reviews.*
- *Extended Content Standards workgroups: Bryan Maughan has volunteered to be on a workgroup. There are approximately 45 people across the State that are assisting, and tonight is their first meeting. This work will go through April, and more information will be forthcoming.*
- *Kim Shaner will be coming later today to discuss trends with the dispute resolution process. There are some good things and some bad things.*

4	DMS 2.0	Alisa Fewkes & Debi Smith, SDE	<ul style="list-style-type: none"> • <i>Differentiated Monitoring Support (DMS)—this is a five-year process that was started in 2021, and Idaho is in Cohort 1. SDE officials have been communicating with the few states who</i> 	
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			<p><i>have already been through this process, and this has been helpful. A technical assistance group has gone through several states' websites and found Idaho's to be in the top 6.</i></p> <ul style="list-style-type: none"> • <i>They can give states corrective action plans with a deadline by which to fix issues. Additionally, they can showcase what states are doing well and use that process to assist other states. Ultimately, the result of the DMS process may include OSEP finding that a State is out of compliance and could withhold or place restrictions on their funds.</i> • <i>The three phases of the DMS are:</i> <ul style="list-style-type: none"> ○ <i>Phase 1: Discovery - Includes review of publicly available information (SDE and ITC websites), documentation, and interview of stakeholders.</i> ○ <i>Phase 2: Engagement - Onsite or virtual monitoring and interviewing SDE staff and issuance of a DMS monitoring report.</i> ○ <i>Phase 3: Closeout - Review of the evidence of corrections. This can take up to one year to receive, and OSEP provides technical assistance.</i> • <i>OSEP will monitor our "General Supervision System" - fiscal management, integrated monitoring, sustaining compliance and improvement, implementation of policies and procedures, technical assistance and professional development, dispute resolution, data, and SPP/APR. OSEP will look at how these relate or interact with our system.</i> <ul style="list-style-type: none"> • <i>Review of meeting handouts and breakouts into groups for discussion/feedback on:</i> <ul style="list-style-type: none"> ○ <i>Possible OSEP questions for SEAP</i> ○ <i>The four highlighted ones were worked on in Spring 2022.</i> 	
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			<ul style="list-style-type: none"> ○ <i>Focus today includes:</i> <ol style="list-style-type: none"> 1) <i>Describe the SEAP role in the development of evaluations and reporting data</i> <u>Feedback:</u> <i>Clarify the 4th bullet point - The vast experience that SEAP members brings unique knowledge and expertise in areas (parents with lived experience, SPED teachers, academic partners, etc.)</i> <i>Clarify 2nd bullet point—the questions on Indicators 8 and 14, SEAP helps collect through vendors; have done a lot with disproportionality.</i> 2) <i>Describe the SEAP’s role in advising the State on its general supervision system.</i> <u>Feedback:</u> <ol style="list-style-type: none"> 1. <i>Clarification on the 4th bullet point from the bottom— SEAP is a reciprocal relationship for advising and information sharing.</i> <p>SEAP has assisted with:</p> <ol style="list-style-type: none"> 1. SPP/APR: February 2020 presentation on the definition of in/out school suspension, Cultivating Readers, establishing new targets for 2021-2022, impacted Indicators 8 and 14, and 2. Dispute resolution process 	<p>Alisa Fewkes and Debi Smith are to present at February 2023 meeting</p>
5	Morning Break			
6	Transition Institute	Randi Cole, SDE, Alison Lowenthal, Voc-Rehab & Kristy Buffington, IESDB	<ul style="list-style-type: none"> • <i>The Transition Institute was started by Alison Lowenthal about five years ago. This year they had 50+ districts participate. Started working with districts two years ago to increase students’ participation in CTE (Career Technology Education).</i> 	

			<ul style="list-style-type: none"> • <i>Vocational Rehab wanted to build this opportunity and began in the Nampa School District the first year. Worked on welding, small engine repair, and culinary. The CTE teachers enjoyed this opportunity and wanted to do this again. This program has continued to grow, and there were five programs over the summer, and 13 additional school districts want to participate.</i> • <i>Also, doing paid work experiences for students, especially in rural districts. Presented this at the Transition Institute and, as a result, have completed 19 additional contracts for students. This has been a great partnership between Vocational Rehab and the school districts.</i> • <i>Sugar-Salem School District partnered with Vocational Rehab and created a video.</i> • <i>Kristy Buffington is the transition coordinator for the Idaho School for the Deaf and Blind. She and the secondary transition students are here with their food truck, the Ravenous Raptors. The food truck is run by 18-21 year old's, with faculty assistance. Chobani provided financial assistance and just opened the food truck in September 2022. They have presented at other schools for the visual and hearing impaired; this is considered a model program that supports soft skills, communication, budgeting, etc.</i> 	
7	Information about Undocumented Suspensions/Informal Removals	Julie Mead, SESTA	<ul style="list-style-type: none"> • <i>Special Education Support and Technical Assistance (SESTA) created a quick guide regarding student removal (see handouts)</i> • <i>Education is important. It feels contradictory to remove children from school for disciplinary reasons.</i> • <i>Definitions reviewed:</i> <ul style="list-style-type: none"> ○ <i>Change in placement: change of environment for the student with a disability. Change in placement is under the IEP's authority, not the districts.</i> ○ <i>Educational Services:</i> 	

Opportunity to continue to participate in general curriculum (completing worksheets is NOT participating in general education curriculum), ability to receive services on the IEP, and participate with non-disabled peers to the extent they would have in their current placement (hardest to achieve). These services are not provided with out-of-school suspension (OSS). If a student is removed to in-school suspension (ISS), it needs to meet the three criteria of educational services in order to not count towards the ten days noted below.

- *Students with disability can be removed for up to 10 cumulative days. On the 11th day, the student has experienced a “change in placement.”*

Informal Removal: Actions taken by school personnel in response to a student’s behavior and results in the student being excluded for part or all of the school day.

Examples:

- *Students being sent home for having wet clothes after being outside on recess in the snow.*
- *Parents getting calls at work asking to come to pick up their child (or bring a sensory item to the classroom) who is having a meltdown. No clarification that this is considered a suspension.*
- *A child on a field trip is made to sit in a different location from their peers for misbehaving and then is sent home due to disruptions.*
- *A child spending a year in a classroom alone with an aide and without recess.*
- *Teachers in general education classrooms sending students back to the SPED classroom because the teacher is frustrated with the student.*
- *Other examples include schools requiring students to bring things (or earn their right) to come back (such as a parent or a one-on-one aide.)*

			<ul style="list-style-type: none"> • <i>Informal Removals are a national problem and not just an issue in Idaho. We are seeing a lot of parents placing children in remote/virtual settings to manage behaviors. When districts are forcing this (without instruction from the IEP team), it is considered an informal removal.</i> • <i>What has the SDE done regarding this topic?</i> <ul style="list-style-type: none"> ○ <i>Distribution of information and resources, including the National Disability Rights Network publication, "Out from the Shadows."</i> ○ <i>Getting the word out to school districts and administrators on Informal Removals.</i> ○ <i>Worked with SESTA to create the quick guide for educators (currently in draft form).</i> ○ <i>Upcoming work on a quick guide for parents on this topic.</i> ○ <i>SDE is required to collect data on suspensions and report that to the US Department of Education.</i> 	
8	Working Lunch/Discussion & Recommendations on Informal Removals			
9	Restraint & Seclusion (Informational)	Renee Miner, SESTA	<ul style="list-style-type: none"> • <i>Some of these issues are hitting the news, and the use of restraint/seclusion is a topic of interest in our community. We need to be proactive in our training and response. Restraint/Seclusion at the national level was a huge topic in 2009-2010 in Idaho, and work was being done for potential legislation, but then it died (no more meetings) because of the push-back at the Federal level. In Idaho, Corporal Punishment is still allowed in schools. Moving forward, SEAP will need to get involved in this topic, access to and advocate for more training, etc.</i> • <i>Restraint (per Civil Right Data Collection, US DOE)</i> <ul style="list-style-type: none"> ○ <i>Physical Restraint: A personal restriction that immobilizes or reduces the ability of a student</i> 	

to move his or her torso, arms, legs, or head freely.

- *Mechanical Restraint: The use of any device or equipment to restrict a student's freedom of movement.*
- *Seclusion: Involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving; does not include a timeout.*

Data:

- *School-age students with disabilities under IDEA in 2017-2018*
 - *13.2% of enrollment*
 - *ISS 20.5%*
 - *OSS 24.5%*
 - *Over-representation of students with disabilities receiving suspensions*
 - **Idaho Data**
 - **9.9% enrollment**
 - **ISS 28.3%**
 - **OSS 20.3%**

Describing discipline:

- *Some of these strategies are used for discipline; however, the use of restraints or seclusions is not an appropriate disciplinary strategy.*
 - **Idaho Data**
 - **9.9% enrollment**
 - **74.6% seclusion**
 - **80.3% restraint**
- *Informal removal IS a removal.*
- *Discipline Guidance Summary- A Q&A resource for parents and school professionals is located on the SDE website.*
- *The State has oversight and a reporting obligation.*
- *What can we do better or differently?*
 - *In the last decade or so, science has been available to document how to respond to children with disabilities.*
 - *US DOE recognizes that there is a need and is bringing more enriched tools to educators.*
 - *US DOE funds two resources: 1. School Climate Resources*

provides the National Center on Safe Supportive Learning Environments, a great resource (Technical Assistance). 2. Positive Behavior Intervention System (PBIS)

- US DOE provides assistance with the social-emotional behavioral health of students as well.*
- There is a need to change our language around why children are acting out. They are acting out to meet a need. We need to look into what is happening that is not meeting and supporting the need.*
- The focus is now on prevention and teaching appropriate behavior rather than punishing and determining the appropriate positive responses for the child.*
- Review of 15 Principles of Restraining and Seclusion (highlights):*
 - Prevent the need for restrain and seclusion;*
 - No mechanical, drug, or medication control or restriction of movement;*
 - Used only when there is imminent danger to a child or others;*
 - Policies apply to all children;*
 - A child's right to dignity and free from abuse.*
- Idaho Training Clearinghouse has a page specific to behaviors with tools on how to respond and a challenging behavior [flowchart](#) that is helpful (it starts with ethical questions and looks at the learning environment).*
- The literature consistently states that restraint and seclusion represent a failure to support students.*
- [Restraint and Seclusion Resource Link](#)*

Reflection from Panel members:

- What point is the most sobering?*
 - 1. The fact that we are still using restraints.*
 - 2. The pairing of restraints and seclusion.*

			<ol style="list-style-type: none"> 3. <i>There are so many resources for educators, and it's disheartening to know they weren't used with a child.</i> 4. <i>This is not a disciplinary measure, yet it's used regularly every day. It's the norm (such as padded rooms).</i> 5. <i>As long as it's the norm, we will not move past this.</i> <ul style="list-style-type: none"> • <i>What specific words, phrases, and stats stick in your mind?</i> <ol style="list-style-type: none"> 1. <i>Lack of training (or use of available resources) on how to handle difficult situations.</i> 2. <i>SESTA is putting together a Behavior Academy for teachers to help problem-solve and identify strategies. Statewide training is happening, but we know it's not happening fast enough.</i> 3. <i>Some of these strategies are used concurrently (such as a parent choosing between picking up their child every time the child acts out or placing the child in seclusion).</i> • <i>How did it challenge or affirm what we are doing?</i> <ol style="list-style-type: none"> 1. <i>Have an obligation to start when the children are young (such as working on self-regulation).</i> 2. <i>Teachers and paraprofessionals who are starting have limited skills or experience in managing behaviors.</i> 	
10	Indicator 3(C) – Proficiency rate for children with IEP's against alternate academic achievement standards; and Indicator 8 – Parent Survey	Alisa Fewkes	<p><i>SDE is working on making information pertaining to indicators more parent-friendly based on feedback from SEAP. Will use the same template for all 17 indicators.</i></p> <p><i><u>Indicator 3(C): Performance on Alternate Assessment. How do students on the most severe level of disability do on alternate assessments? The calculation looks at students who are proficient or advanced in their assessment. Idaho has to establish new targets for 4th, 8th, and high school for reading and math. SY 20-21, we utilized</u></i></p>	<p>Laura Wallis, Gretchen Fors, and Angela Lindig volunteered to review the templates.</p>

		<p><i>Wyoming's data. This is the first year we are using Idaho's data. We have no trend data, and the baseline will be last year's data.</i></p> <p><i>No changes to the assessment itself (how it was administered, computer adaptation, etc.).</i></p> <p><i>Considerations: Do we want to maintain alignment with other assessment indicators, meaning improving by about 3% over baseline and have minimal increases for the first two years?</i></p> <p><i>SEAP Next Steps:</i></p> <ol style="list-style-type: none"> <i>1. Proceed with SDE recommendations from last year; OR</i> <i>2. Have further discussion?</i> <p><i>Discussion: Need to stay the course. The group liked the process SEAP went through last year for this and wanted to keep the same recommendations.</i></p> <p><i>Is there any downside to staying the course? Until we have more information to build from, it likely isn't worth it to redo the process that's already been completed.</i></p> <p><i>What's the timeline for standards? The group starts tonight and will have their recommendations by April.</i></p> <p><i>Motion: Continue with the SDE plan that has already been created: Brian Darcy</i> <i>Second: Alison Lowenthal</i> <i>Discussion: None</i> <i>Unanimously approved</i></p> <p><i>Indicator 8: Parent Involvement Survey. Talking about improving participation of families in the survey. Through COVID, parents got used to responding via e-mail or other electronic methods.</i></p> <p><i>Currently, we use a vendor to collect the surveys. Half of the districts/charters participate every year. The survey is</i></p>	<p>COMMITTEE MEMBERS to review data provided in THE PowerPoint presentation.</p>
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			<p><i>sampled (so, if a school has 100 or fewer families with children with disabilities, all families will receive the survey. If more, there is a sampling). The survey is e-mailed, and then a follow-up survey is sent.</i></p> <p><i>Parents are expressing concerns about: (1) The validity of the survey; and (2) Involvement of a vendor.</i></p> <p><i>What would help families feel more comfortable responding to survey(s)? SEAP feedback:</i></p> <ol style="list-style-type: none"> <i>1. Survey to be sent by the district.</i> <i>2. Look at the timing of the survey (is it coming out at the same time as the parent engagement survey, which comes out Feb/March).</i> <i>3. Consider the amount of information being requested of parents.</i> <i>4. More publicity or awareness of the survey may be needed.</i> <i>5. One year, it came from the vendor but was sent out from IPUL, which created a separate issue.</i> <i>6. Another recommendation that has been considered is having teachers call to complete the survey (but the concern is not wanting to add more to the teachers' already full plate).</i> <i>7. Can districts/teachers be incentivized? It worked for collection of Indicator 14 data.</i> <i>8. People might be survey-fatigued.</i> <i>9. Perhaps change the method from electronic to handwritten.</i> <i>10. Use QR Codes and provide them after IEP meetings.</i> <i>11. Approach parents at Parent-Teacher Conferences.</i> 	
11	Afternoon Break			
12	Dispute Resolution Trends – Overview & Discussion	<i>Kimberli Shaner</i>	<p><u><i>Dispute Resolution</i></u></p> <ul style="list-style-type: none"> <i>• The dispute resolution process is to resolve the issue at the lowest level. Idaho is one of the first states to offer facilitation. Facilitation really brings people back as a team. We don't want to fight for the sake of fighting; the goal is to ensure that the needs of the child are being met.</i> 	

			<ul style="list-style-type: none"> • Recently launched Quick Guides through SESTA (see PowerPoint) on facilitation, mediation, state complaint, and due process. • Both national and State data on the CADRE website (www.cadeworks.org) • Dispute Resolution 2020-21 data: <ul style="list-style-type: none"> ○ 149 Facilitations ○ 12 Mediations (available at any time) ○ 37 State Administrative Complaints ○ 5 Due Process Hearings (4 withdrawn, 1 pending) • Have had some parents decline facilitation, but this is very rare. Usually, that is due to parents not understanding what facilitation is or the process. • All of the processes above can be accessed at any time or run concurrently with another. <p><u>Most Common Allegations founded (districts out of compliance):</u></p> <ul style="list-style-type: none"> • Failure to review/revise the IEP for lack of progress/concerns (11) • Availability (lack thereof) of SPED services according to IEP (8) • Provide written notice (for change in Free Appropriate Public Education (FAPE) (8) • FAPE (5) • Full/individual evaluation for determination (5) • Determination with qualified professionals and parents (5) • Measurable IEP goals (5) • Provide the parent with a copy of the IEP and written notice (5) <ul style="list-style-type: none"> • Complaints and concerns are increasing from charter schools. Charter schools are referring parents back to the public schools or saying that the student is not a fit for their charter school. All charter schools are required to meet IDEA, and most accept funding. • Complaints can also identify systemic issues (such as a parent calling with concerns for their child, and when 	
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			<p><i>investigated further, it is identified as a systemic issue).</i></p> <ul style="list-style-type: none"> <i>There have been some complaints regarding compensatory services not happening timely (an example of a compensatory service is speech therapy).</i> <i>Training is individual to the schools and staff (including administrators and paraprofessionals).</i> <i>The SDE Dispute Resolution office does a follow-up in six months to see how things are going.</i> <p><u>Hot Topics</u></p> <ul style="list-style-type: none"> <i>Provision of FAPE/services, including identification/determination</i> <i>Progress monitoring with appropriate analysis and response</i> <i>Providing written notifications/Procedural Safeguards</i> <p><u>Resources</u></p> <p><u>Idaho IEP Guidance Handbook</u> <u>SESTA Quick Guides</u> <u>10 Steps to SPED</u></p>	
13	Wrap Up	Katie Flores	<p>Motion to end the meeting: Brian Darcy Second: Eric Lichte Unanimously Approved</p> <p>Discussion: Thank you to Katie for covering today! Charlie will be with us in heart and spirit in February. She will be greatly missed!!</p> <p>Charlie is very proud of the work of the team, and it's been an honor to work with SEAP.</p>	
14	Meeting Adjourned			
	<ul style="list-style-type: none"> <u>Future Meeting Dates:</u> <ul style="list-style-type: none"> Monday, February 13, 2023, 9:00 am to 4:00 pm; and Monday, May 8, 2023, 9:00 am to 4:00 pm 			

Action Items From Previous Meetings

Follow Up Items	Date Opened	Owner	Due Date	Complete/Comments	Status
Laura, Gretchen, and Angela to work with Alisa on providing feedback for the indicator templates.	11/14/22	Alisa Fewkes		Completed and an example was shared at the February 13, 2023 meeting	
Alisa Fewkes and Debi Smith are to present on DMS 2.0 at the February 13th meeting.	11/14/22	Alisa Fewkes and Debi Smith		Completed	