

STATE ADVISORY COUNCIL ON SPECIAL EDUCATION (SAC)**Regular Meeting****March 16, 2011****2:30 PM – 5:00 PM**

State Office Building, Room 307A

165 Capitol Avenue

Hartford, CT 06106

I. Call to Order –John Burke

Members Present: Ana Acevedo, Michelle Bidwell, John Burke, Donna Cambria, Joanna Cooper, Ann Marie Cullinan, Richard Douglas, Catherine Foley Geib, Beth Hart, Stephanie Johnson, Uswah Khan, James McGaughey, Christine Murphy, Kathy Musto, Charlyne Olko, Nancy Prescott, Marcus Rivera, Julie Swanson, Nancy Taylor, Fernando Tiago.

Member Informed Absence: Rep. Carter, Sheila Crocker, Kelly Neyra, Ben Strong, Brenda Sullivan and Ronald Tamura.

CSDE/SERC: Anne Louise Thompson, Linda Adorno, Nikki Hendry, Michael Tavernier, Gail Mangs.

Dr. Burke called the meeting to order at 2:35pm. Members and invited guests introduced themselves.

II. Report of the Chair

Dr. Burke reported that SAC committees are beginning to set calendars and meet regularly to address the SAC's responsibilities. He informed SAC members again that they, like all members of the public, are welcomed to attend SAC Committee Meeting (Executive, Legislative, Membership, Nominating) and observe the proceedings. Mr. Rivera forwards these postings to all SAC members.

III. Report of the Bureau Chief

Ms. Thompson thanked members for their commitment to the SAC and reported on a number of items.

- **Legislative Session.** The Department has submitted written testimony on several proposed bills (available online at www.cga.ct.gov). Ms. Thompson updated the SAC on bills concerning IEPs (1038), behavioral analyses (1105), juvenile detention centers (bill number not available at the meeting), and scientific research-based interventions (SRBI, 6501).

Ms. Thompson reviewed the salient points in the Office of Special Education Programs (OSEP) memo, distributed to the SAC in February, regarding school interventions and reported denials/delays in evaluations for special education eligibility. Ms. Swanson shared an issue with referral/evaluation delays at a private school associated with a public school district.

- **Physical Restraint or Seclusion.** Ms. Thompson distributed and reviewed a memorandum to directors regarding the reporting requirements associated with emergency use of physical restraint or seclusion. Professional development offerings in 2011-12 will include alternatives to physical restraint and seclusion.
- **OSEP Federal Monitoring Visit.** OSEP has a cycle of reviews with states concerning the implementation of IDEA. The CT visit will be in November 2011. Updates on the OSEP review will be made at each monthly SAC meeting. OSEP officials are interested in interviewing the SAC, as a whole; the CT Parent Advocacy Center will also conduct a parent survey.

IV. Items for Discussion**A. State Performance Plan and 2009-10 Annual Performance Report**

Mr. Tavernier provided a PowerPoint overview of the State Performance Plan and the 2009-10 Annual Performance Report (included in the meeting materials). Mr. Tavernier described the 20 indicators, targets, data trends, improvement activities, and the role of the indicator stakeholder groups. The indicators are grouped in three priority areas: A "Free and Appropriate Education" in the "Least Restrictive Environment (LRE)"; Disproportionality; and Effective General Supervision.

A. State Performance Plan and 2009-10 Annual Performance Report (continued)

Mr. Tavernier described the state and district "determination" process and the categories associated with the Plan, including "meets requirements" and "needs assistance." CT was the only New England state that met federal OSEP requirements in 2009-10. CT is one of several states that promotes public dissemination of its Annual Performance Report.

In summary, in 10 of the 20 indicators, performance targets were met. In six of the 10 indicators where targets were not met, six of the 10 had federal compliance targets set at 0 or 100 percent. CT was close to meeting these benchmarks.

SAC members shared their thoughts throughout the presentation. Dr. Burke wanted to know how these data impacted the implementation of individualized education programs (IEPs). Mr. McGaughey requested clarification on the "suspension and expulsions" target of no more than 20 percent of districts suspending two or more percent of students with disabilities, 10 or more days.

Ms. Swanson asked about the LRE target of no more than six percent of students with IEPs spending less than 40 percent of their time with nondisabled peers or in separate settings. The continuum of placements was discussed and supports for districts to develop these continuums effectively.

Ms. Cooper commented on evaluations not conducted in the native language and inappropriate identification when examining disproportionality by specific disability categories (three districts showed disproportionate representation in 2009-10).

Dr. Burke offered to receive additional questions from SAC members and would coordinate with Mr. Rivera and Mr. Tavernier to respond. The SAC Executive Committee will review indicators where targets were not met in order to amend draft 2010-11 priorities, as needed, for full SAC consideration.

B. 2010 Annual Report Findings/Recommendations

Ms. Thompson and Mr. Rivera reviewed the SAC annual report with SAC members on Ms. Sullivan's behalf. Ms. Thompson plans to share the SAC annual report findings in a future Bureau Bulletin. The Bureau is developing a response to the annual report in an effort to highlight actions in progress and to respond to the State Board's request to determine how they can support the SAC recommendations.

The primary report recommendations discussed were as follows:

1. **Statewide Assessments and IEP Reviews.** The SAC discussed the benefit of convening IEP teams or amending IEPs without a Planning and Placement Team (PPT) meeting when newly released statewide assessment results raise concerns.
2. **SRBI Tenets, Implementation and Referral to Special Education.** The SAC expressed ongoing concern that the SRBI tenets and implementation strategies are unclear and inconsistent across school districts, including reported delays when referrals to special education are made. Ms. Thompson and Mr. Rivera shared the coordinating efforts of the Department to reinforce a consistent message to the field, from Department administrative leaders to a coordinating council across Department bureaus offering introductions on SRBI tenets at regional training sessions. ConnCASE forums for special education directors also focused on SRBI case studies to offer a consistent response to student needs. The SAC plans to continue to pursue this area of need in its work.
3. **Complaint Resolution and Due Process.** The SAC recommendations in this area include: (a) the need for a more comprehensible complaint resolution process and management system; (b) a request for more substantive hearing officer authority to ensure settlement outcomes and parent training in the complaint resolution process; (c) protections for those testifying (stronger "whistleblower" protections may require a legislative amendment); and (d) developing measures to monitor and ensure settlement outcomes. The Bureau revised the procedural safeguards, in response to the SAC and other recommendations. The SAC plans to continue to pursue this area of need in its work.

4. **Emergency Restraint or Seclusion.** Although the SAC offered no recommendations, it wanted to learn more about training available to districts and the use of data collected by CSDE to reduce instances of emergency restraint or seclusion. The SAC plans to request a response to these inquiries from the Bureau of Special Education.

C. 2009 SAC Retreat Outcomes

Dr. Burke shared the SAC's interest at its last retreat to examine accountability efforts in approved private special education programs (APSEPs). He will be recommending that the SAC take action on his recommendation to form an ad-hoc committee to consider student outcomes in APSEPs when compared to students in school districts. Ms. Bidwell expressed interest in this area.

Dr. Burke reported that other considerations for SAC priority areas include examining suspensions/expulsions and bullying. Ms. Cooper, Ms. Swanson and Ms. Cambria all expressed interest.

Dr. Burke encouraged each SAC member to actively participate in SAC work through membership in at least one committee. He added that these areas should help to illuminate unmet needs for SAC recommendations to the State Board and General Assembly.

Further discussion was tabled at this time. The SAC Executive Committee will continue to review these areas and bring recommendations forward to the SAC so that ad-hoc committees may be established.

D. IEP Task Force Recommendations

Ms. Bidwell, Ms. Musto, Ms. Johnson, and Ms. Mangs presented the findings and recommendations of the IEP Task Force. SAC discussion centered on the recommendation to forward/discuss evaluation results with parents/guardians at least five days before a Planning and Placement Team (PPT) in order for parents/guardians to review assessment findings and recommendations prior to the PPT discussion. Proposed legislation seems to limit this request to three days before the PPT and only for initial evaluations because of the added burden on school districts to comply with federal and state evaluation timelines. Ms. Musto and the SAC Legislative Committee will review the IEP Task Force recommendations and current legislative proposals. The SAC Legislative Committee will meet with Ms. Bidwell to review IEP Task Force legislative recommendations. (Ms. Swanson, Ms. Bidwell and Mr. McGaughey had to leave the meeting at this time.)

- E. **Draft Calendar of SAC Activities and By-Laws Update.** These agenda items were tabled.

F. Committee Reports

1. **Executive.** The Executive Committee report was tabled.
2. **Legislative.** The SAC focused the rest of the "Discussion Items" conversation on the legislative proposals reviewed by the SAC Legislative Committee. Ms. Musto and Ms. Johnson presented the items below.
 - (i) **Bill 6103: An Act Concerning the Cost to Municipalities of State-Mandated Special Education Requirements**
 - The Committee recommended that the SAC support this bill because it could offer a higher degree of standardization of services across the State, lessen the fiscal burden on local school boards, and possibly offer students with disabilities necessary intensive services since local school boards would share costs with the State. Since it was unclear what the revised costs would be to districts and the State, the SAC referred this item back to the SAC Legislative Committee (SLC) for further review.
 - (ii) **Bill 5428 and 5433: An Act Concerning Prompt Reporting of Child Abuse and Neglect in an Educational Setting**
 - This bill calls for applicants for a position in a public school to submit to a DCF background check with the DCF Abuse and Neglect Registry.

(ii) Bill 5428 and 5433: An Act Concerning Prompt Reporting of Child Abuse and Neglect in an Educational Setting (continued)

- The SLC proposed a recommendation to the Committee on Human Services that they add stronger language to the bill – requiring the reporting of abuse or neglect in all educational settings. Ms. Cullinan moved and Ms. Cooper seconded a motion that the SAC support Bills 5428 and 5433, including an amendment to pursue founded claims of abuse or neglect. Ten were in favor, none opposed and three abstained because the position of their respective agencies was unclear (Ms. Cambria, Ms. Murphy and Mr. Rivera). The motion carried. (Ms. Cambria, Ms. Foley Geib and Mr. Tiago had to leave the meeting.)

(iii) Bill 1012: An Act Implementing the Governor’s Budget Recommendations Concerning the Transfer of Functions from the Board of Education and Services for the Blind and the Commission on the Deaf and Hearing Impaired to the Departments of Education and Social Services

- The SLC requested that the SAC oppose this bill – i.e., that services for the blind and the deaf remain under one centralized agency in order to provide direct services with a high level of expertise. CSDE did not offer testimony on this bill. (Ms. Khan had to leave the meeting.)
- In discussion, Ms. Cooper moved and Ms. Johnson seconded that the SAC convey the following:
 - that any change should not impact direct services and that a consumer advisory group be established to advise the administration before, during and after any possible transition from one administration to the next; and
 - that “regardless of the age of the student,” that these services stay in one agency “due to the breadth and quality of the services rendered and agency responsiveness with regard to service delivery.”

Nine were in favor, none opposed and two abstained because the position of their respective agencies was unclear (Ms. Murphy and Mr. Rivera). The motion carried. (Ms. Cullinan and Ms. Acevedo had to leave the meeting.)

(iv) Bill 1105: An Act Concerning Special Education

- The SLC is still gathering information on this bill. The SAC members raised concerns regarding the training/qualifications/expertise of behaviorists and certification needs. Parental consent was recommended. The lack of qualified personnel to address applied behavioral analyses needs was discussed. Curricular content needs and integrated therapy needs, from a behavioral perspective, were also discussed. The need for a specific role for behaviorists may qualify as an "unmet need" for SAC recommendation. Distinctions between supervision and direct service should also be articulated. What does this service look like for outplaced students? Concerns were raised regarding the training received by paraprofessionals to support students' behavior intervention plans. (Ms. Murphy had to leave the meeting.)

(v) Bill 6501 (formerly 6583): An Act Concerning the Delays in the Evaluation and Determination Process for Children Suspected of Requiring Special Education Services

- Ms. Johnson asked the SAC members to review this bill. The SAC Executive Committee will review any additional SLC recommendations at the next SAC Executive Committee meeting.

V. Items Requiring Action (Reviewed earlier in the agenda.)

- A. *Consideration of Minutes of February 16, 2011.*** Ms. Olko moved to adopt the minutes as amended: "Ms. Murphy should be listed as an informed absence; Ms. Cambria attended the meeting; and pages 3-5 should read '13 in favor.'" Ms. Cambria seconded the motion. All were in favor, except for six abstentions because they did not attend the meeting: Ms. Cullinan, Ms. Cooper, Ms. Khan, Mr. Douglas, Ms. Taylor and Ms. Acevedo; none were opposed. The motion carried.
- B. *Revision to Minutes of December 14, 2010.*** Ms. Khan moved to amend the minutes as follows: "Ms. Murphy and Mr. Douglas were also informed absences." Charlyne seconded the motion. All in favor, except for three abstentions because they did not attend the meeting: Ms. Cullinan, Ms. Murphy and Mr. Douglas; none were opposed. The motion carried.

VII. Public Participation

There were no members of the public present who wished to speak.

By unanimous consent, the meeting was adjourned at 6:01pm.

Prepared by: Linda Adorno and Nikki Hendry, SERC
Marcus Rivera, SAC Secretary

