

---

## Special Education Advisory Panel

### Draft Meeting Minutes

**Meeting Place:** In-Person Meeting at Vermont Agency of Education and Virtual Meeting link

**Address:** 1 National Life Drive, Davis 5, Montpelier, VT 05620 Room N513

**Date:** September 27, 2023

#### Present:

Panel Members In-Person: Kimberly McNamara, Cammie Naylor, Jacqui Kelleher (Interim Chair), Teagen Comeau, Presenter: Kat Pfannenstiel and Panel Members Virtually: Alison Amidon, Sandra Chittenden, Dana Lawrence, Kristen Bigelow-Talbert AOE: Christopher Kane, Ana Russo and Tracy Harris, Presenter: Guy Stevens

#### Agenda:

10:00 – 10:05	Call to order, Agenda changes
10:05 – 10:15	Welcome from the Chair and Updates
10:15 – 10:55	Part 1 Training with Kat Pfannenstiel
10:55 – 11:30	Review Workgroup updates and Next steps
11:30 – 12:00	OSEP Determination Letter review with Chris Kane
12:00 – 12:55	Informal Lunch in Workgroups
12:55 – 2:00	Part 2 Kat Pfannenstiel Training
2:00 – 2:30	Overview SPP/APR with Ana Russo
2:30 – 3:30	Review of big picture Special Education Law and Regulations
3:30 – 3:45	Election of Vice Chair and member of Executive Committee
3:45 – 3:55	Public comment
3:55 – 4:00	Wrap up and review meeting schedules

#### Call to order, Agenda changes:

Chair of Panel was unable to attend, Jacqui will lead this meeting. 0 quorum until 9 people.

#### Welcome from the Chair and Updates:

Only 4 Panel members and Kat Pfannenstiel are in- person and Alison Amidon and Sandra Chittenden are attending virtually. We would like to add membership to the discussion today. SEAP role w/P2P. Jacqui will send P2P narrative to the Panel. At a

recent PD for Transition meeting, it was asked: how do we push this back to age 14? The Law already allows us to do so under WIOA you can do it at any time.

## **Part 1 Training with Kat Pfannenstiel:**

Kat Pfannenstiel is a National Technical Assistance Provider and has been working with Vermont for 8 years on a variety of different things, ranging from Transition to the State Systemic Improvement Plan to Evidence Based Practices. The group discussed the purpose and the roles, the different ways to participate, and then brainstormed information needs. The group discussed the group norms that we developed last year, make sure we're still good with those: Meetings will start and end on time, be mindful of the agenda, virtual turn on your cameras before talking, mute your mic whenever possible, all members share equal value and status, everyone will participate fully and respectfully, make sure everyone has had a chance to speak, operate in a respectful manner, following the one voice rule, ensuring that there's only one voice speaking at a time, act with intention to include and respect the perspective, the needs of people from all traditionally marginalized populations, including SES, race, color, religion, national origin, ancestry, sex, age, disability, veterans assistantship, skin color, sexual orientation, and gender identity, be open to new ways of thinking, be curious, and ask questions to better understand positions or materials, especially when we may disagree, respect experiences without making assumptions about experiences, and try to not use or use the entire word for jargons and acronyms and Special Ed.

A quick history of the evolution: when we think about SAPs Special Education Advisory Panel (they didn't have the E it was just A advisory panel). In 1961, Vermont had a mandated Advisory Council for specialized, which is prior to when IDEA required it. It's the State Advisory Panel. When we think about that purpose, the combination of the Federal State Advisory panel requirements and the Vermont State Advisory panel that really looked at bringing those two together. Then in 2020 is when we really tightened up and revised the name to what it is now. Since April 2020 is where we started abbreviating it, VT SEAP. IDEA requires that each State establish and maintain an advisory panel for the purpose of advising the State.

The State Advisory Panel and Special Education is created to provide guidance with respect to special Ed related services for children, for disabilities in the panel shell advise both the agency of Ed and the State Board of Ed on those panner matters upon which the panels required.

What are the duties: advised the State of unmet needs in the education of children with disabilities, this is pretty broad, and this is where you can really think about how can I be more State specific.

- Advise the state to develop corrective action plans to address findings identified in federal monitoring - from audit data.

- Look at some noncompliance, again this is where get our hot topics from like this is where we really need to look at it as a Panel versus like in my school.
- Advise the State and developing and implementing policies to the coordination of service for children with disabilities.
- The Panel will perform duties in accordance with Federal law and then shall advise both the AOE and the State Board under Federal Law to follow the expectations of IDEA.

The Executive Committee will often help identify prioritize when we think about the LEA determinations that was updated just a couple years ago and that was something that the Advisory Panel helped provide support the State Systemic Improvement Plan is something that we regularly get stakeholder feedback.

**Review Workgroup updates and Next steps:**

- For today’s items, how are we advising on these topics:

Critical Shortage	IS	Exclusionary Discipline
Jacqui	Kim	Sandra
Teagan	Allison	Cammie

**IS**

- Kim summarized- Many IS doing their own thing. Special Ed all over the BOD; some IS approved for disability- inconsistent policies. Need for family stories. Licensing process- state sat on January-December- delay in review/approval. Prelicensure process all over the place. For someone doing something new or new disability, can hold up that process. Did not discuss July 1, 2023, IS rules and focus on those serving IEPs.
- Preliminary/Next Steps- Did not get there.
- Should work continue? Yes
- There is an overlap with staff shortage. We should look at connection and intersectionality.
- IS waiting list is too long and ‘the fix’ is tutorial programs.

**Critical Shortage**

- Summary- see report.
- Preliminary Recommendations- See report.
- Next steps with this?
- Should work continue?

## **OSEP Determination Letter review with Chris Kane and Ana Russo:**

- Make sure all members have the OSEP determination.
- NAEP SY21 data.
- NAEP is problematic- we lost a lot of points and we have little control with NAEP.
- This was the last year of SBAC- have moved to Pearson Assessment.
- VT samples schools.
- \*\* We can have a NAEP presentation to learn more about content/blueprint – NAEP Coordinator (Neuvic Malembenie).
- Dropout/Graduation- also calculated in a rank order like NAEP- good data to include in the Transition Pathway Grant.
- VT struggled more with results Indicators (58%).
- Compared to Compliance Indicators (80%).
- Indicator 11= 1.
- Indicator 13-0.
- Longstanding noncompliance – 1.
- What were some of the reasons before going beyond the 60-day timeline?

## **Informal Lunch in Workgroups:**

Workgroups met over lunch to discuss status of work and consider next steps.

Exclusionary Discipline- Guy's Stephens Presentation

- Overview of Alliance.
- Restraint and seclusion are utilized as discipline.
- Exclusionary discipline has a traumatic impact and leads to further trauma.
- The Panel may want to recommend to AOE/SBE to look at policies.
  - Seclusion should be off the table.
  - Prohibitive from learning includes adults standing in doorway.
- What should we dive deeper into to form an informed decision about how there might be unmet needs? Or resources to sustain what's working?
- The work group is aligned with Guy's position.

Possible Recommendations:

1. Difficult to use data we collected- data are collected but how do we use it.
  2. WG would like to prohibit seclusion as part of state law.
  3. Legislation to add more directive, prescriptive use of data and corrective action plans.
  4. Restraint should be exceedingly rare.
- Should we look at Ukeru as a group?
  - Reach out to Howard Center about doing a presentation or talk to Guy.
  - Should we continue the work group? Yes!

- Will work with Tom Faris on some action steps and looking at alternative methods/approaches.
- Bring in Mike Lickliter, Superintendent of Harwood Unified School District. Should R/S not be allowed on BIP? IEP?
- Where is developmental trauma assessment?
- Role of the teacher in teaching behavior/coping/support and role of para.
- Interest in Dr. Ross Green work- possible speaker?
- Lack of training for teachers and paras.
- Systemic issue overviews of roles and responsibilities which feed off of this.

#### Guy Stephens presentation

Recommendations and action steps we can guide the State Board of Education (SBE) and Agency of Education (AOE) as the Advisory Panel.

Alliance and our organization was started 4 ½ years ago. We focus on changing laws and policies; we focus on education - how do we get better ways to educators into schools? and individual/family support around exclusionary discipline.

What we know is it's the same kids, whether we're talking about Vermont, its Maryland or California. Kids that are misunderstood in the name of behavior with disabilities. trauma history, Even boarder we know a lot of neurodivergent individuals are being restrained, secluded, suspended, expelled, subjected to corporal punishment. They're not being well served by the reward systems or the consequence systems or the exclusionary discipline. We can look at restraint and seclusion while restraint and seclusion are not intended to be disciplined. So, child becomes this regulated if the staff don't know what to do with that point to help them to regain calm, we often see that staff sometimes unintentionally escalate children further leading to fight or flight response, leading to a situation where things like restraining seclusion are used. We know that when you go hands on with a kid or even if you suspend or expel them, exclusionary discipline itself actually has a traumatic impact. Essentially creating more behavior, not less.

There are things that we can do that are far better than restraining, including suspending and expelling kids. Vermont can look at State Policies and take seclusion off the table. Our brains are not well designed for isolation or designed for things like restraint. 8 States now have some sort of prohibition on the use of seclusion. Restraint should be exceedingly rare if in fact you're only restraining a kid when they present an imminent danger of serious physical harm, which is a potentially life-threatening situation. Restraining causes a fight or flight response mode as well resulting in staff/student injured. We've got to do more to avoid getting to a crisis in the first place.

Sandra- Our current definition and what our laws are, our numbers are not accurate and then actually using the data that we have for our State instead of just collecting it and not doing anything with the data being collected.

Guy – Data is not necessarily useful if everyone is not reporting, or legislation/law does not require corrective action or a response from the data.

Teegan- would like to hear more about the program Who Cares.

Guy – As a trauma, informed crisis management alternative Who Cares was developed by a group Virginia called Grafton Integrated Health that was actually trying to eliminate seclusion and reduce the use of restraint and I can tell you that the end of the story here is that they actually were successful in a fully eliminating seclusion. Another resource for the Panel could be Mike Lickliter, Superintendent of Harwood Unified School District who is proactive, provided testimony and talked with lawmakers of the use of prone restraint and seclusion.

The Panel would like to hear from Guy again in the future and continuing the work as a as the Exclusionary Discipline Subcommittee as well as bringing it forth to the Panel. Planned on asking Tom Faris to attend a Panel meeting on some action steps that the AOE could take and the role that he's playing.

## **Part 2 Kat Pfannenstiel Training:**

and then really look at purpose duties, which kind of brings up a little bit of membership and just some procedures.

Because there is a provision in the Rule that allow for restraint or seclusion to be written into the behavior of improvement plan, but that would be like a team determination or brain PHP determination and it's still needs to be documented, but it doesn't have to meet the requirements of Vermont Rules if it's if it's specifically written into the behavior improvement plan to be used.

Membership advisory panel must be this is from ID a consistent members appointed by the governor or any other official authorized. Within the Vermont Legislation The Panel should be appointed by the governor with the advice of the Secretary of Ed. In addition to members appointed by the Panel to satisfy the requirements, we also want to look at representatives under state law, such as the parent training and Information Center and the protection and advocacy system. We can have up to 37 members. As members we come in as advocates coming from a place of advice based on not just my own personal opinion or something that happened but did some research. We advise that you develop, a policy to address that unmet need that that would be like a collective.

## **Overview SPP/APR with Ana Russo:**

State Performance Plan/Annual Performance Report w/ Ana (AOE)

1. Ana needs physical cards.
2. Transition grant will utilize 1, 2, 3, 4.
3. How can panel utilize SPP/APR data in our work? How far can we disaggregate?
  - Very low proficiency numbers in reading and math across grade levels- getting worse.

- We may need to get Glen Bailey in for the students with and students without disabilities discrepancy in achievement.
- Also, more info on the alternative assessment.
- Look at LRE broken down by disability category more about C- do we have geographic considerations.

## **Review of big picture Special Education Law and Regulations with Cammie Naylor:**

- Basics/ Big Picture/ Key Concepts of IDEA.
- Refresher- view Cammie's hand out.
- IEP.
- Program/Accommodation Modification → Identify supports for school personnel and parents.
- Also, Parent training and counseling as a related service. Are all underutilized components of IEP content.
- What is requirement for general education teachers getting access to the IEP?

Critical shortage area document for October:

- Read the document.
- Review the preliminary recommendations. What did we miss? What needs clarity? What do add? What can we do with this?

## **Election of Vice Chair and member of Executive Committee:**

- The Governor can appoint another official to make SEAP app & under federal law.
- Important to have a representative full membership.
- VT SEAP members have their role as we deliberate.
- Are our workgroups, committees? Should they meet another time?
- Webpage design issues prevent us from the public notice of SEAP- are we regularly noticed?
- Maybe a regulation that says Panel produces annual report?
- Approve all minutes at the subsequent following meeting.
- We need to review bylaws and see if we can get a 1/3 quorum, cancellation policy, per diem payment, attendance policy, onboarding process, virtual vs. in-person policy/emerging panel use.
- Ensure AOE/presenters know their role, the purpose, what I want.
- As a SEAP member,
  - Why is this important to me?
  - Based on my experience, what reactions do I have?

- What do my colleagues or constituents think about this?

**Public comment:**

No one was in attendance.

**Wrap up and review meeting schedules:**

Housekeeping- get cell phone numbers from panel members so we can promote meetings via text, polls, etc.

**Adjourn:**

Without objection, the meeting was adjourned.

**Meeting Schedule (hold the date):**

[October 12, 2023](#) 4:30 – 7:30 p.m. Virtual meeting  
[November 9, 2023](#) 4:30 – 7:30 p.m. Virtual meeting  
[December 14, 2023](#) 4:30 – 7:30 p.m. Virtual meeting  
[January 11, 2024](#) 4:30 – 7:30 p.m. Virtual meeting  
[February 8, 2024](#) 4:30 – 7:30 p.m. Virtual meeting  
[March 14, 2024](#) 4:30 – 7:30 p.m. Virtual meeting  
[April 11, 2024](#) 4:30 – 7:30 p.m. Virtual meeting  
[May 9, 2024](#) 4:30 – 7:30 p.m. Virtual meeting  
[June 6, 2024](#) 10 a.m. – 4 p.m. In-Person meeting