

## APPROVED MINUTES

**Meeting Place:** Microsoft Teams platform (Virtual Meeting)

**Date:** Tuesday, May 17, 2022 (4:30 p.m. to 7:35 p.m.)

**Present:** Rachel Seelig, Jamie Crenshaw, Sara Kruk, Molly McFaun, Katie Ballard, Alison Amidon, Dawn Campbell, Kim McNamara, Linda Moreno, Lisa Johnson, Joy Wilcox, Sandra Chittenden, Rene Sanchez, Crista Yagjian, Mary Barton, Susan Comerford, Jacqui Kelleher, Dana Lesperance, Emily Simmons.

### Agenda:

- 4:30-4:35 Come to Order, Review Group Expectations, Review and Approve Minutes
- 4:35-4:45 Story Share
- 4:45-4:55 Public Comment
- 4:55-5:15 Update on Essex SEPAC
- 5:15-6:25 Addressing the Success Gap (unmet needs agenda item)
- Response to April Unmet Needs Letter to Jacqui (AOE team members)
  - Continue review of "Unmet Needs" document with the lens of the Success Gap
- 6:25-6:30 Break
- 6:30-7:20 Reports from AOE on Dispute Resolution Processes
- Administrative Complaint Process Tool
  - Report on the data for dispute resolution
  - Themes of Administrative Complaints
  - Due Process Decisions
- 7:20-7:30 Election of New Chair, Vice Chair, and Secretary
- 7:30 Adjourn

### Come to Order, Review Meeting Expectations, Approve Minutes:

Rachel Called the meeting to order at 4:34. Based on a request to accommodate Emily Simmons schedule, the agenda was re-ordered to start with the AOE report on the dispute resolution process, followed by officer elections and then moving in order. A motion was made and approved unanimously to amend the agenda to allow for a vote on the endorsement of a candidate to join the panel as well.

### Reports from AOE on Dispute Resolution Processes:

Emily Simmons, General Counsel for the AOE presented on Dispute Resolution with input from Judy Cutler in the Legal Division and from the data division. Emily recommends that we move our annual report on dispute resolution to December based on when annual reporting is completed and submitted. Rachel will bring this to the Executive Committee which sets the agendas. Emily presented completed data from FY21 and incomplete data for FY22 because the reporting period is not yet over.

In FY21, 15 state complaints (Administrative Complaints) were filed, and 9 resulted in reports. 30 mediations were requested and 25 were held. 7 of these were related to a due process complaint, and of those 7, 2 resulted in agreements. 11 other agreements were made in mediations not related to due process, for a total of 13 mediation agreements. 11 due process complaints were filed, and 2 decisions were issued. There was no data on expedited due process complaints.

For FY22, the incomplete provisional numbers are as follows: 22 state complaints (Administrative Complaints) have been filed so far this year, 28 request for mediation, and 10 due process complaints. Numbers are not yet available on reports issued, mediations resulting in agreements, or in due process decisions.

Emily shared some provisional trends included: missed services due to staffing and hiring challenges, lack of alternative out of district placements, and reduced interest in mediation as the dispute resolution option (increased in administrative complaints).

Jacqui walked the panel through the administrative complaint form and the filing requirements and showed the panel where the document can be found translated into five languages.

Jacqui also reported that developing an IEP facilitator program has not gotten off the ground. It was interrupted by COVID. It should be added to the next round of agendas for the panel, as there was a lot of interest from the field and support from the panel when the idea was introduced.

Discussion ensued. Question about how to capture or monitor for families who have an interest, a desire, to file an admin complaint or due process, but cannot, often around placement, least restrictive environment (LRE), shortened school days, inability to provide services, evaluation issues, and child find issues. Rachal affirmed that even when families call Legal Aid, there is not adequate funding to file a due process, admin complaint, or mediation request in all cases. Emily thought we might need more information to think about this is a data collection – what do these parent have in common, what makes them countable, whether this is quantitative or qualitative data collection. If AOE is going to engage in monitoring something, it needs to be planful in what to collect.

Jacqui shared her experience prior to coming to Vermont seeing “signing the form” as a barrier. She pointed out AOE has a technical assistance (TA) provider, and the special education team looks for patterns and trends at least quarterly to consider whether there is a need for policy or guidance generally, or if there is a district of concern. This includes calls to the TA line from parents, families, ed surrogates, and others. Jacqui also shared that if the caller wants, a courtesy call can be made to the district. In some cases, they will also follow up, and, if there is not progress, this can be escalated to the monitoring system depending on the nature and concerns. She agrees that there continues to be a fear of retribution and retaliation in response. Sandra shared that it is really scary not to have an attorney in these cases, and there needs to be systemic change to address the harm to families and children.

Question about the AOE’s limit on 2 mediation sessions. Emily reported she has the ability to look at progress in those sessions and approve a third session. These requests need to be made through the mediators, and the mediators know this is an option.

### **Election of New Chair, Vice Chair, and Secretary:**

Sandra Chittenden nominated Katie Ballard as chair, Jamie Crenshaw seconded. no other nominees. Katie was elected unanimously.

Jamie Crenshaw nominated Sandra Chittenden as secretary, Crista Yagjian seconded. No other nominees. Sandra was elected unanimously.

Crista Yagjian nominated Joy Wilcox as vice chair, Katie Ballard seconded. Joy declined the nomination. Crista then nominated Dawn Campbell as vice chair, Jamie Crenshaw seconded. No other nominees. Dawn was elected unanimously.

Election of additional executive board members will be added to the June agenda.

### **Endorsement of New Member Application:**

Lisa Johnson has completed the application and attended two meetings. She shared her background and reasons for wanting to join the panel. She clarified that while she is the parent of a child with a disability, her children are grown and were not educated in Vermont, so she is looking to fill a professional role, not a parent role.

Crista Yagjian made a motion to move her application forward for the Governor's consideration. Jamie Crenshaw seconded. Her endorsement was unanimous.

Katie thanked Sabine for all her work on membership and appointments.

### **Story Share:**

Jacqui shared her story, her own experience with high school, and her path from working as waitress to becoming a parent, and to college so she could earn more money as a substitute. She talked about finding motivation and learning systems and strategies to succeed and conquer fears of and dislike for school, and from there earning her bachelor's degree, completing her thesis on using Disney-based musical mnemonics as a study strategy, and her interest and academic focus on addressing success gaps by zip codes. And she shared her relief at learning as an adult that she had been masking disabilities that explained those hardships and challenges she had had as a student and the feelings she had about school and herself as a result.

### **Break**

### **Public Comment:**

Suzy shared how much she appreciates the panel and what it has accomplished. She feels there has been exceptional leadership on the panel side and with the agency. Congratulations to all.

### **Update on Essex SEPAC:**

Katie shared that the EWSD SEPAC has had three meetings, created a steering committee, and is working on approving vision and mission statement which were shared in draft form with the SEAP. The SEPAC has three goals at this time: (1) create organizational structures; (2) host two community events next school year, and (3) decide what trainings to develop. They have connected to the Massachusetts organization that supports the Massachusetts SEPACs for training, they are looking for a big picture IDEA training that isn't necessarily district/parent focused, and specific to their district, what Child Find looks like, and what to do when it does not go smoothly.

Question about biggest hurdle in getting a SEPAC operational in the district. Katie shared it was the initial response of "it just won't happen" and pushing through that.

Discussion of including students with disabilities and supporting self-advocacy, and Jacqui's twins' presentations about self-advocacy. Resources will be shared out to the full panel after the meeting.

### **Addressing the Success Gap (unmet needs agenda item):**

Jacqui re-introduced Linda Moreno. She reported she shared our April unmet needs letter with the special education, MTSS and early childhood teams, and plans to share it and get input and discussion from VCSEA as well. She will also share it as part of her state of the state for the final quarter of the year when she gives updates about federal and state activities. The AOE teams identified many of our recommendations as items where they could take them up in the short term to issue memos and guidance. For example, next month, they will be releasing an evaluation manual. In addition, because the licensing division is reviewing the criteria required for several roles, recommendations we made on necessary competencies and criteria for licensing are very timely.

AOE is also updating Special Education Forms, and these will come with a companion document explaining what needs to be on each page and why, which should be released this summer.

AOE is developing a Child Find self-assessment tool for districts who are not meeting compliance on indicator 11. She is hopeful this will help address some of the unmet needs we identified regarding Child Find.

AOE is developing an itemization of translation resources across the state to share with LEAs. Secretary French will be issuing a memo on a recovery logic model for using supplemental funds and action plans, which will include the importance of considering the alt assessment as equally important to other state assessments.

Jacqui answered questions about the action items she was presenting, and her document will be circulated to the panel.

Then, the panel moved on to reviewing two additional areas of unmet need previously identified in the former Unmet Needs subcommittee. Discussion included unmet needs around practically ensuring that parents are treated as equal members of IEP teams, and unmet needs around ensuring IEP teams do consider all options and continuum of services rather than putting the burden on parents to identify services and supports or making assumptions about need for a placement or package of services.

The panel authorized Rachel to convert the notes taken during this conversation into a letter to Jacqui reflecting the panel's advice on these areas of unmet need.

### **Adjourn:**

The meeting adjourned at 7:32.

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

June 7, 2022, from 4:30 - 7:30 p.m.