



## Special Education Advisory Panel: Executive Committee Meeting

### DRAFT MINUTES

**Meeting Place:** Hybrid Meeting - Microsoft Teams platform (Virtual Meeting) and Physical location option: The Classroom at UVM Extension, 327 US-302, Barre Montpelier Rd. Barre, VT 05641

**Date:** Thursday, April 27, 2023 – 4:30pm to 6:30pm

**Present:** Lisa Johnson, Dawn Campbell, Teagen Comeau, Jacqui Kelleher, Molly McFaun, Katie Ballard, Rachel Seelig, Crista Yagjian, Meg Porcella, Interim Secretary Heather Bouchey

#### Agenda:

4:30-4:35	Call to order, Approve outstanding minutes, Updates from the Chair
4:35-4:40	Public Comment
4:40-5:00	Discussion with Interim Secretary Bouchey
5:00-5:20	Review workgroup notes and plan next steps
5:20-5:40	Finalize May Agenda
5:40-6:00	Discuss In person June meeting
6:00-6:10	Legislative update
6:10-6:25	Discuss current and upcoming public comment opportunities that impact students with Disabilities
6:25-6:30	Public Comment
6:30	Adjourn

#### Call to order, Approve outstanding minutes, Updates from the Chair:

Chair called the meeting to order at 4:34pm. reviewed 3/23 meeting minutes, Molly made a motion to approve minutes as written, seconded by Dawn, minutes were approved by unanimous vote. Meg Porcella attended the meeting until 5:11.

#### Public Comment:

No public comment was made at this time.

#### Discussion with Interim Secretary Bouchey:

Heather Bouchey gave some updates about the AOE and staffing, and then the group discussed membership process and requirements to be on the committee and to remain on the committee. Discussion was held about the perceived tension between the Governor's office and SEAP and the concern that due to the delay our Panel will be significantly out of compliance with IDEA and State law by end of June. Katie and Rachel provided context related to the differences between the SEAP and other Governor appointed councils due to the Federal regulations and the specific requirements to have certain stakeholder groups on the Panel as well as the requirement that the Panel be majority parents/persons living with disabilities. Rachel gave the historical context and challenge around past application process through the Governor's Office without input from Panel and that often leading to members appointed that do not attend or engage on the Panel. Katie offered that the Panel was willing to consider amending bylaws related to membership process but would like to have clarity and discussion before making any proposed changes. Heather will work with the Governor's Office to

clarify the process and get information about how to get those who are not yet fully appointed on the Panel and explain the unique situation and requirements related to the membership as well as the issue with members not participating after appointment. She committed to following up in a few weeks and updating us after she has that discussion. Interim Secretary Bouchey will connect with Katie to meet and follow up more and tentatively plans to join the full panel meeting in June.

### **Review workgroup notes and plan next steps:**

Discussed updates from 3 work groups, only received notes from Independent schools and Exclusionary Discipline last month. Both had lengthy list of priorities and questions that group will work to prioritize and be specific about questions for AOE per Megs request. Discussed plan to spend 45 minutes at May meeting then use time during June meeting to have each group make proposals for areas of unmet need and recommendations to make, full panel will discuss and make decision on next steps. For May meeting panel will invite Tom Faris to discuss current AOE professional development related to Restraint and Seclusion as well as what the AOE does for technical assistance to districts and school staff as well as Guy Stephens again. Independent schools group requests AOE provide presentation on how IS are approved both in general and for Special education as well as how AOE monitors those programs after approval.

Dawn. Lisa and Katie will remain on the Executive Committee. All other members need to be reelected/appointed.

There was a public comment at the last meeting about services. Katie will follow up with Susan.

### **Finalize May Agenda:**

SPP/APR was just done. OSEP allowed questions. The official determinations come out in June. Districts will receive "report cards." There should be a full report on how we performed. We will know before the public at the end of June. In the past the Panel has had a report on all indicators during/before February submission but due to challenges with scheduling this had not happened this year. The group discussed the best next steps related to SPP/APR at this point and agreed to request AOE return in May to finish presenting.

Chair was concerned that the Panel has not had the opportunity to provide input into some important conversations including budget, District assurance standards, SPP/APR. Panel continues to focus on the following Areas of consideration are 1) critical staff shortage, 2) seclusion and restraint, 3) independent schools. The Panel would like AOE (or other appropriate person) to join in May to update on rule change implementation as we get closer to July1.

Chair is concerned that due to capacity currently the AOE is putting things on hold until there is a new Director appointed, which is making agenda planning challenging. would like to focus on Panel led topics in May and work with AOE for June updates.

Jacqui Kelleher asked about the documentation from previous meetings over the years and looking at the progress over time. Would like AOE to give an update on the status of Unmet need recommendations that were made last year as we review.

Chair expressed frustration with lack of response to any emails or requests from panel by current Interim State Special Education Director. For agenda start with work groups for AOE staff availability as well as request updates on IS rule change. Given the amount of new changes that will impact students with disabilities in the new rule changes that go into effect on July 1, 2023. We would like to have an update on Adverse Effect changes and implementation of training for Gen. ed. and special ed.

Rachel suggested going through the old unmet needs document step by step and considering relevance or progress.

Katie would like to prioritize a list of questions prior to the June meeting. Meg may be able to give us the information on Unmet Needs. Dawn will support Katie with the review of the list of questions at the next meeting. The final item for the May agenda is to warn a vote for the Executive committee except Katie, Dawn and Lisa who will remain in roles until end of next year.

Lisa shared she was actually unable to continue as she was leaving Vermont as of June 1. Will need to warn Secretary vacancy and election to fill for remainder of term. Discussed number of vacancies (5 including clerk) and the need to maintain majority parent/person with disabilities meaning will need to vote 3 parents/people with a disability and no more than 2 additional professionals to be in compliance.

### **Discuss In person June meeting:**

Tabled due to time other than update on location, food and to email questions or topics to Katie before May EC.

### **Legislative update:**

Rachel Seelig has given more testimony about Restraint and Seclusion to the House, as has Katie as chair of the Panel and provided past letter to committee. This bill is unlikely to move forward this session, but the intent seems to be for movement in the second half.

Independent Schools rule changes are happening, and Rachel suggests panel receive presentation and update from AOE, will invite Tracy Harris as the person who should be contacted for information about Independent Schools.

Behavior Threat Assessment is likely to move forward and there has been significant work done around stakeholder input and guardrails to protect students with disabilities.

Jacqui reported that Secretary Miguel Cardona, Secretary of education. recommended that we connect with Kaylynn Neese. There may be additional funding available. 10 million dollars may be available for Transition planning (2 million over 5 years). Katie suggested Jacqui will discuss it at next meeting but due to quick turnaround deadline of June 5 Jacqui felt it was too late. Important to note that HireAbility and/or the AOE must be the ones to apply but can be supported with up to 75% contracted out. Concern is AOE may be reluctant due to a lack of bandwidth, same with HireAbility. Rachel Seelig will reach out to the Agency of Human Services/HireAbility to discuss as well as potential for panel to write an advisement letter to make them aware that there are resources that are available to address an Unmet Need and strongly encourage an application be submitted due to the severity of need for transition services to improve. Crista Yagjian made a motion that SEAP write a letter to advise our partners to make an attempt to secure the funds, Molly Seconded. following discussion Crista amended motion to add authorizing the Chair to send the letter without further review. Molly McFaun seconded the motion as amended. There was no discussion after the motion was seconded. The motion passed unopposed 5-0. Dawn Campbell was not present to vote. Katie and Jacqui will work on a letter and Katie will submit the final letter to AOE, HireAbility, AHS, and SBE.

Chair is meeting with Valerie Williams from OSEP to discuss how other panels work and find any resources around this from their TA or Kat P. They will also be discussing the state of special education in the State of Vermont.

Crista asked about when the parent survey would be sent out and how we can support more responses from families. Will ask AOE to provide update at next meeting.

**Discuss current and upcoming public comment opportunities that impact students with Disabilities:**

Discussed during Legislative update.

**Public Comment:**

Katie Ballard made a public comment about the state of her son's education. She advocated that he receives additional services during Covid and is now in high school on a full day without para and has been successful. He is doing a pre-tech program currently where he has made honor roll and has made friends. His IEP team discussed disclosing that he was a student with a disability. He was denied access to the tech program even though most/all students who are in pre-tech make it into tech program. Director shared he was not denied because he wasn't intelligent or capable enough or due to behaviors/attendance. The concern voiced was that he did not have enough stamina to participate in the program but not data or specific provided. He has been able to be accepted for next year at this point because other people did not accept their seats. Katie was denied the opportunity to view his records. Rachel reaffirmed the need to focus on transitions and alternative pathways.

**Adjourn:**

Chair adjourned meeting without objection at 6:36.

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

June 22, 2023, 4:30pm-6:30pm ([Hybrid meeting](#))