

Pennsylvania Special Education Advisory Panel

February 27, 2008

Meeting Minutes

Hershey Lodge & Convention Center

Hershey, PA 17033

Members in Attendance:

Dr. GERALYN Arango

Judy Baker

Camilla Brown

Michael Burk

Kathleen Carney

David Fine

Bernie Gavlick

Thomas Gentzel

Monica Glenn

Lyndsey Gronchick

Luz Hernandez

Kyu Hwang

Kay Lipsitz

Dr. Gina MacFalls

Robyn Oplinger

Ana Pacheco

Sherry Peters

Dr. Gina Scala

Dr. Nick Trombetta

PDE Representatives:

Jim Buckheit, State Board of Education

Debbie Wynn, State Board of Education

Pat Hozella, PDE

Richard Moss, PDE

Linda Rhine, PaTTAN

Jodi Rissinger, PDE

Marci Davis, PaTTAN

Guest:

Bernie Miller, PSEA

Call to Order: Michael Burk, SEAP chair, called the meeting to order at 1:30 p.m. A quorum of members was present for the meeting. Mr. Burk welcomed Jim Buckheit and Debbie Wynn, executive director and assistant executive director, respectively, of the Pennsylvania State Board of Education and Pat Hozella, assistant director of the Bureau of Special Education (BSE).

Approval of November Meeting Minutes: The January 2008 meeting minutes were reviewed. There was a change to the year listed on Page 2 under Draft Special Education Teacher Certification Program Guidelines. The date should be changed from January 11, 2001 to January 11, 2011. Kathy Carney made the motion to approve the minutes with the change. Dr. GERALYN Arango seconded the motion. All members approved, no discussion.

BSE Director's Update: Ms. Hozella, assistant director of the Bureau of Special Education (BSE), presented the Bureau Director's Report.

State Performance Plan (SPP) - The Annual Performance Review (APR) was submitted 2/1/2008 to the federal government. It is not posted online yet, there is now a period of time where the Office of Special Education Programs (OSEP), U.S. Department of Education, can request additional information or clarification. As soon as OSEP gets back to BSE, corrections and additions are made and resubmitted, and it will be posted to the website. BSE will then begin work on 2007-08 Special Education Data summaries and school district determination letters.

RtI Guidelines – BSE developed a committee to write the guidelines, making them similar to the national RtI guidelines. SEAP will receive the section regarding how students are identified as soon as it is completed.

Compliance Monitoring Committee – The BSE is now in the process of redoing the section on monitoring suggested by workgroups made up of representatives from several different organizations and LEAs. The first rough draft will be sent to SEAP after the March workgroup meeting. Much of it includes updating the language. There were also recommendations to add to the document some things the last committee removed. BSE will be holding public sessions on the document and will have a session or videoconference at each PaTTAN location as well as the NE and SW corners of Pennsylvania. Public input will be added, and then documents are finalized.

Peer Monitoring - New peer trainings will be held this summer.

Chapter 14 & 711 Trainings – SEAP will be notified as soon as there are tentative dates for training sessions to will be held across the state, with both Chapters being addressed at one session.

Special Education Forms – Meetings are being held for input on drafting new forms. As soon as drafts are complete, possibly the third week of March, they will be sent to SEAP. Public input will be used for final forms. Most comments involve the Permission to Evaluate and Reevaluate, groups are saying these are too confusing. Looking at how to approach evaluation form for students with Specific Learning Disabilities (SLD), Monica Glenn asked if the forms could be updated via computer. Ms. Hozella answered that school districts are now able to provide them to their contractors and are able to access them via the PaTTAN website www.pattan.net - reminding them that they are still in draft form at this time.

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Kyu Hwang asked if there were any updates with the Chester-Upland School District which is now being overseen by the PDE. Ms. Hozella said the BSE has ongoing communication with Chester-Upland School District on a regular basis, and that Bob Moore has been assigned as their contact.

State Board of Education Presentation: Mr. Buckheit, director, and Ms. Wynn, assistant director, of the State Board of Education reviewed the description of the State Board of Education's members and terms. The Board is composed of 21 citizens selected by the governor and confirmed by the state Senate. Board members serve six-year terms, and right now they have just one member appointed by the current governor. Members can serve several terms, and some have served over 15 years.

Mr. Buckheit described how the public meetings are advertised, when they take place, and how most of the work is accomplished through committees on an as-needed basis. He also reviewed the regulatory approval process and how once the Board approves a regulation it takes approximately 1-2 years to be published. He reviewed how the Board approvals go to the Governor's Office for policy and counsel to review, then to the attorney general for legal form and legality review. The regulation then returns to the Board, and is also submitted to the House Education Committee, Senate Education Committee, then the *PA Bulletin* publishes the regulation which starts 30-day comment process. On important matters the House and Senate Education committees will hold committee hearings. The Independent Regulatory Review Commission, outside executive and legal branches, review all state regulations. A final review involves all of the aforementioned entities, as well as additional comment, and once the regulation is finalized and approved, it is published in the *PA Bulletin* then becomes a regulation.

Mr. Buckheit also shared handouts on the Proposed State High School Graduate Competency Assessments (GCAs) and the State Board statute. Mr. Burk asked if there is a way for SEAP to provide input or to try to anticipate information. He said the Board does not usually plan that far in advance. They deal with items on a case-by-case basis. The Board is an independent, administrative Board of the PDE, but not always working in concert with PDE. The Board welcomes and encourages input.

Dr. Gina Scala asked if materials are ever outdated, as they're moved through the system. Mr. Buckheit noted that yes, there are times this occurs, but the Board tries to make the regulations as clear as possible. Ms. Carney asked if there is still time to add to Chapters 4 and 49 and who sets the Board's agenda. Mr. Buckheit said Chapter 49, incorporating certification issues, is done, and is now on the books and that Chapter 4 was just adopted as a proposed regulation in January. They will be published in the *PA Bulletin* within the next two months. He said citizens can comment in the formal way at the meetings, or hearings, or they may contact the board members individually. Ms. Hwang asked when there are controversial issues how does the Board decide on approvals and how is it determined how quickly they will go through? Mr. Buckheit said the certification issue was difficult because it is driven by NCLB. One thing that was brought before the Board was dual certification for all majors.

Bern Gavlick stated that when he first heard about the GCAs he was adamantly opposed and he now thinks it is remarkable that there are provisions for special education students. He asked if there will ever be an exam mid-way through. Mr. Buckheit said the Board is not enamored with tests and does not want to add more tests. One of the challenges is trying to balance out accountability with local control.

Tom Gentzel said that from his perspective as the executive director of the PA School Boards Association, he has a lot of respect for Mr. Buckheit and Ms. Wynn and he finds that the Board is very receptive. His one concern is that SEAP is seen by the Board as another interest group with one position. He suggested that SEAP do a presentation to the Board. Ms. Carney and Robyn Oplinger noted that SEAP is not an advocacy group, but a federally-mandated committee. Mr. Buckheit noted that the Board has a similar relationship with Standards and Practices Commission and that through the Sunshine Act, all meetings are open to the public. The Board sends out notices to all interested in attending and also posts materials.

Office for Dispute Resolution: Kerry Smith, director of Office for Dispute Resolution, presented on the recent online survey, distributed to their stakeholders, regarding the change to a one-tier system with the State Board's removal of the Appeals Panel. There were a total of 165 responses. Hearing Officers will now serve as the state's reviewers. Anyone who wants to appeal will go to court. Two big issues came forth in responses from other states – should hearing officers be attorneys or educators and is it best to have part- or full-time hearing officers? An independent contractor is not an employee and may be doing other things on the side, causing a possible conflict. ODR planned to gather as much information as possible at their ODR roundtable and to work collaboratively with PDE to fashion a model. David Fine said he did not think lawyers are the right people to be hearing officers because if they know about special education law, they're usually practicing in that field. He said it did seem that there is a benefit to having a greater variety of hearing officers, possibly part-time positions. He said he appreciates that the office is soliciting input from so many corners.

Committee Reports:

PBS/Restraint Elimination Committee – Ms. Oplinger presented a PowerPoint on CMLA Best Practices, the Children's Health Act of 2000, and a handout on the Department of Public Welfare's Special Transmittal on Strategies and Practice to Eliminate Unnecessary Use of Restraint. The Committee's Recommendations are that the BSE develop a Restraint Reporting form, SEAP participate in the creation and final approval of the form.

Oversight and Credentialing – proposing PDE develop an oversight committee that will establish the criteria for crisis management training utilized across the commonwealth. Use Department of Public Welfare (DPW) special transmittal as a guideline for definitions and training requirements. The Massachusetts Reports & Centers for Medicaid & Medicare are relevant.

Mr. Burk said this type of reporting is important because restraints are low frequency, high effectiveness. There is a body of knowledge about what constitutes safe practices. Mr. Gentzel asked if the report would create more paperwork and who gets a copy. Ms. Oplinger said it includes a checkbox, quick answers, for those who evaluate the child after the incident. Parents and the BSE could use it with cyclical monitoring.

Ms. Hozella said that Chapter 14 says there is a report that will be done. What BSE has is homebound report requirements in existence, and there is a monthly report for follow up by BSE and/or PaTTAN staff. The report is used in monitoring and BSE does not address who gets a copy, when it is completed.

There was discussion regarding who gets the reports, if they go directly to the BSE if this is helping practice, and, if there is a need for an additional report since incident reports are already in place. Mr. Fine asked if the committee has a view of the best vehicle for recommendations and Ms. Oplinger said that the “reporting language” gives us an “in” and perhaps it should be a Basic Education Circular (BEC). Dr. Gina MacFalls said that when it gets to the building level, sometimes administrators don’t even know, there are sometimes more restraints than are reported. Ms. Hozella said there is a reporting requirement in effect July 1, and BSE is interested in suggestions/recommendations. One school district added it to the Safe Schools reporting. Dr. Nick Trombetta asked if PDE could advise and endorse training for all staff to make them aware of what would happen. Ms. Hozella responded that training piece is important and should be part of any new forms/procedures and she asked that members share their thoughts.

Chapter 49 – Dr. Scala asked what SEAP can do now to influence the guidelines. Distributed handout with concerns and recommendations. At the last forum meeting, special education guidelines for certification. The committee noted three major impacts:

1. Direct impact on the supply of competent teachers in special education problematic at secondary level become prohibitive to recruitment.
2. Number of credits required to become credentialed. Number required exceeds the fifth year.
3. Fieldwork is problematic for administrative coordination.

She asked SEAP members to review and respond to her within the week. Dr. Scala held a discussion based on the number of years (5) it will probably take to complete one area of certification, the fact that secondary special education majors are lacking in Pennsylvania, and that there are two timeframes built into the system now when students can change their minds about their career. Dr. Arango said she had distributed the information to colleagues for input and most thought that this is saying that unless all students go 5 years, what will they do? There was discussion about how this will impact non-traditional students, field experience requirements, full-time employees, and those taking courses toward their education degree while raising a family. Ms. Glenn asked what happens to the people who are using federal funding when it is only available for five years. Ms. Hozella noted that one thing that was helpful is that they did have good attendance at the forums regarding teacher certification and all were very vocal. The main concern was that the students that were doing special education and secondary would do multiple teaching and field experiences.

Ms. Carney made a motion to arrange a presentation to the Pennsylvania State Board of Education. Seconded by Dr. Scala. All members approved.

Public Comment:

Bernie Miller, from the Pennsylvania State Education Association (PSEA) made comments on the following:

1. He expressed concerns about Chapter 4, PA Bulletin on Graduation Competency Assessments.
2. He expressed concerns about requirements for additional paraprofessional training.

Written commentary was not provided to the Panel.

Adjournment: Motion to adjourn was made by Mr. Fine and seconded by Ms. Carney.
The meeting adjourned at 4:04 P.M.