

Utah Special Education Advisory Panel (USEAP) Minutes

April 18, 2018

Present: Amy Nicholson, Michelle Marquis, Janell Locke, Mallory Poole, Karen Conder, Karla Stirling, Maggie Crockett, Julia Hood, Amanda Longwell, Amanda Powell, Esperanza Reyes, Karen Lancaster, Allyson White, Michelle Sanchez, Melissa Bowe, Emily Nordfelt, Jennifer Howell, Riley Howell, Summer Gunn, Emma Borrmann, Christina Guevara

Guests: Kim Fratto, Adina Zahradnikova, Sheryl Ellsworth, Naté Dearden

Excused: Jeff Ojeda, Rebecca Peterson, Deanne Shields, Kathy Chisholm, Leah Voorhies, Tanya Albornoz

Absent: Teryl Young, Suzanna Crowe, Rebecca Smith, Natalie Hilbig, Kathryn McKenzie, Christy Johnson

Welcome and Introductions: Mallory Poole, Chair, welcomed everyone and thanked them for coming. Since the representatives from the Utah Parent Center and the Disability Law Center were new, she asked that all in attendance introduce themselves. So, everyone did.

Public Comment: Mallory asked if anyone had anything to share. No one did.

Disability Law Center (DLC) – Michelle Marquis

- Michelle is the new special education attorney at the DLC, as well as the new DLC representative for the Panel.
- Mark Adamson is close to ending his fellowship.

Juvenile Justice Services (JJS) – Michelle Sanchez

- The Wasatch Youth Center is closing. Some of the boys have moved to Millcreek and some to Slate. It should be officially closed by the end of June.
- Alta, a transition for secure care boys to get back into the community and/or home, is also closed.
- The funds will likely be used to create more private provider programs.
- JJS is still working to place the staff elsewhere.
- *Mallory Poole: How do you feel the community has reacted to the change? Are they even aware?*
 - Michelle Sanchez: More parents are aware than the community as a whole.

Legal Coalition for People with Disabilities – Mallory Poole

- This is a committee to make others aware of legislation. Mallory has nothing to report on at this time.

Part C Early Intervention and Preschool – Melissa Bowe

- At the last Interagency Coordinating Council (ICC) meeting, there was a legislative advocacy overview.
- Baby Watch's goal is to build a relationship with legislators to increase awareness of the Baby Watch Early Intervention Program, maintain current funding, and increase future funding to support growth and quality services.
- The ICC has submitted additional names of parents to be members of the advisory group. They are waiting in the governor's office.

- The RP2 project is currently in open application status. Applications are due April 20th.

PTA – Karen Conder

- Two Utah resolutions were presented to the National PTA Board in hopes of being approved for presentation at the national convention in June.
- The resolution on dyslexia did not pass. It will be reworked and resubmitted next year.
- The resolution on high expectations for students with disabilities did pass. Karen will send the link once the resolutions are posted on the national site.

Utah Parent Center (UPC) – Esperanza Reyes

- The summer resource list has been updated and will be available on UPC's website.
- The annual Spanish Family Links will be held at Glendale Middle School on May 19th, from 8:00 AM – 2:30 PM.
- The first in a series of three, a SHIFT training activity will be held on Apr 25th. These trainings are for parents and youth to attend together.
- The 2nd piece will begin in September.
- *Karen Conder: How do we access SHIFT training?*
 - Esperanza Reyes: The first piece is open to everyone. UPC is encouraging parents to bring their students.
- *Michelle Marquis: Do parents need to sign up ahead of time for the May 19th workshop?*
 - Esperanza Reyes: They can. I will send fliers.

Approval of Minutes from February 28, 2018

- *Karen Conder: On page 2, under PTA, "student" should be plural. The public resolutions should be specified that it was the one passed in the Utah PTA, as opposed to the national.*
- Motion to approve: Summer Gunn.
- Second: Emma Borrmann.

SPDG/MTSS Update – Kim Fratto

- We hired a coordinator to be in charge of the SPDG project, Kim Baker. She successfully implemented MTSS in the secondary school she came from.
- *Karen Conder: What does SPDG stand for?*
 - Kim Fratto: State Personnel Development Grant. It was previously known as the MTSS (Multi-Tiered System of Supports) project. The terms are sometimes used interchangeably.
- We had 37 applications, reviewed them all, discussed it, and decided to fund all of them with the \$300,000 we received for the grant. Since we really want to build MTSS in our state and there were so many LEAs interested in participating, we decided that was the best route to take.
- *Adina Zahradnikova: How many were charter schools?*
 - Kim Fratto: About 20.
- *Amy Nicholson: Is there a list somewhere?*
 - Kim Fratto: We can make one.
- *Allyson White: At the last USEAP meeting, Leah said there was a March deadline, but it would be open until June. Is it still open?*
 - Kim Fratto: I was unaware of that. I will check with Leah.
- *Allyson White: How many were new LEAs?*

- We don't have that information yet because we just sent the award letters on Friday.
- *Adina Zahradnikova: It's a multi-year grant?*
 - Kim Fratto: Yes.
- *Adina Zahradnikova: Is it through the State or is it Federal?*
 - Kim Fratto: It's a Federal grant.
- One of the activities we're doing to kick-off the grant is the Utah Systems Conference.
- *Emma Borrmann: Is this the same one that was in Provo last year?*
 - Kim Fratto: Yes. It will be in Provo again this year.
- Grant recipients are required to bring their teams to the post-conference day as part of the grant.
- We anticipate registration for the conference will be open by the end of the month.
- We have reached out to Utah LEAs to secure featured speakers to highlight the good things that are happening in Utah instead of bringing in a lot of outside speakers.

Indicator 8 – Sheryl Ellsworth

- Students with disabilities really need their families' support in order to continue in the home what they're learning in the classroom.
- For the parent survey, the USBE receives secure contact information from LEAs, then mails an introduction letter, survey, and business reply envelope. A minimum of a 21% response rate is collected from each LEA.
- Pencil and paper surveys are received, scanned, and read by an optical marker reader (OMR).
- The four largest LEAs are surveyed every year. Half of the remaining LEAs are surveyed one year, the other half the next, then back to the first half again.
- *Adina Zahradnikova: Please define student with a disability. Is it just students with IEPs, or does it include students with 504 plans?*
 - Sheryl Ellsworth: This is specifically for students with IEPs.
- *Janell Locke: Is this a new process? My student has been in special education since the beginning, but I've never received a survey.*
 - Jennifer Howell: The every-other-year process for small and medium LEAs has been in place for four years. A statistical sample of all of Utah was used before that.
- The questions on the survey were created by a focus group of LEA special education directors, USBE staff, parents, and special education teachers.
- The survey consists of 12 scaled questions, 1 multiple choice question, and 1 open-ended question.
- We are working on a way to let parents know they have someone they can contact.
- *Michelle Marquis: Is this online?*
 - Sheryl Ellsworth: No, we don't have that option yet.
- *Michelle Marquis: If more parents knew about it, maybe they could call you?*
 - Sheryl Ellsworth: I'm finding that LEAs aren't connected enough to their families to raise awareness.
- *Michelle Marquis: Is this in more than one language?*
 - Sheryl Ellsworth: Only English and Spanish currently.

- *Allyson White: The question “My teacher communicates with me regularly” can be interpreted differently.*
- *Karen Lancaster: Parents are still concerned that it’s not confidential and can be traced back to them. They’re afraid it would ruin their relationships with their schools.*
- *Karen Conder: Maybe the confidentiality piece could be repeated on the survey.*
- *Janell Locke: This panel gave feedback on this survey and we chose to keep “regularly” so we could see if the parents feel that they are getting regular communication, since the survey is from the parent’s point of view.*
- *Amanda Longwell: Maybe you could add “from your perspective” at the end.*
- *Esperanza Reyes: You could put the perspective piece at the beginning. Also, the UPC gets phone calls about confidentiality since the barcode is at the top of the survey. Maybe more language can be added to the letter.*
- *Summer Gunn: When I filled one out, I was conflicted about how I felt vs. how well they were doing within their parameters.*
- *Allyson White: We do send out reports every quarter, but parents still may feel like it’s not regular.*
- *Jennifer Howell: The explanation of the score is confusing. Instead of each LEA getting a score, each parent gets a score. Also, a parent has to have at least 67% and no “strongly disagree” to be counted as “involved.” Perhaps this scoring is affecting our ability to meet targets.*
- *My goal is to provide technical assistance (TA) to LEAs who get a score of 4 or 5 on Indicator 8 in their results driven accountability (RDA) analysis.*
- *Another goal is to provide TA to LEAs in non-compliance based on formal complaints in the past annual performance report (APR) year.*
- *I held a meeting with LEAs needing TA and gave them their data. We discussed how the data can be used, practices that could be implemented, and opportunities to increase family engagement.*
- *[YouTube video](https://www.youtube.com/watch?v=u-zlb5wVUAs) (www.youtube.com/watch?v=u-zlb5wVUAs) on the pre-requisites of family engagement.*
- *Karen Conder: Some of the schools my kids have been in have felt welcoming and that everyone’s a part of a team, but others were not that way.*
 - *Sheryl Ellsworth: I’m working on unpacking where the mindset starts and stops. I’m noticing that the principal can make or break it.*
- *Allyson White: I’m working with a team to increase parent involvement. Our new approach is to get together and discuss goals as a team instead of drafting an IEP, sending it to parents, then getting together just to make sure everything’s ok and sign.*
 - *Sheryl Ellsworth: We had a printer right there in the IEP meeting at my old school that helped parents feel involved.*
- *Amanda Longwell: Our district is trying to work with parents to help us feel like we better understand the options and the structure; to be a real team player, rather than a superficial one. Tenured bad teachers create a roadblock to family engagement. It’s an everyone problem, not just a special education problem.*
 - *Sheryl Ellsworth: A lot of that is mindset. I believe they can change, they just might need to be shaken a bit.*

- *Emma Borrmann: I'm a general ed inclusion teacher and I feel rushed during IEP meetings. I get lots of questions from parents afterwards about what they just signed. Since general ed teachers don't work with SWD on a regular basis, they don't always know what they're doing. If someone took the time to explain things, that could help.*
 - Sheryll Ellsworth: At USBE, we talk about what our graduating teachers are actually prepared for.
- Padres Comprometidos is a parent engagement program for English language learning parents.
- Ready Rosie is a family engagement curriculum that uses video modeling.
- Academic Parent Teacher Teams (APTT) Home visits reduce absenteeism and improve communication and test scores.
- The Johns Hopkins University Study report in 2015 on the Parent Teacher Home Visiting Project (PTHVP) model found that home visits make significant impact on student outcomes.
- *Mallory Poole: I do home visits and I cannot emphasize it enough!*
- *Summer Gunn: How are the educators compensated? Is there a grant?*
 - Sheryl Ellsworth: Yes. Five LEAs applied for and received a grant.

Formal IDEA State Complaints – Naté Dearden

- A report on all due process complaints is due to USEAP every year. However, we haven't had one make it all the way through the process for a couple of years, so there hasn't been anything presented for Panel review for a while.
- Options for dispute resolution in Utah
 - Telephone intermediary > parent advocate > facilitated IEP mtg > mediation > state complaint > due process hearing
 - Only mediation, state complaint, and due process hearing are required. The rest are Utah working best practices.
- A state complaint is used to communicate that an LEA has not followed the requirements of IDEA and to request an investigation. It can be filed by anyone and may concern one student or a group of students.
 - Requirements
 - Statement that the LEA has violated the law
 - Facts to support the statement
 - Contact information
 - Violation cannot have occurred prior to one year of the date of the complaint
 - USBE provides a model form for complainants to use if they so choose.
 - Complaints about discrimination, educator misconduct, and Family Educational Rights and Privacy Act (FERPA) violations do not fall under USBE authority.
 - Not investigated
 - Allegations not written
 - Allegations not signed
 - Inquiries that seek advice
 - Courtesy copies of correspondence directed to another entity
 - Anonymous correspondence

- Utah used to be a two-tier system, but we were concerned about variability between LEAs and the quality of the investigations and reporting. Thus, with stakeholder agreement, we moved to a one-tier system.
- *Michelle Marquis: If they've already filed, and then decide to do mediation, that doesn't stop the process does it?*
 - Naté Dearden: No, not unless the parent chooses to withdraw.
- *Michelle Marquis: Were there any cases where withdrawal of the complaint was part of the mediation?*
 - Naté Dearden: Yes. That's kosher and not uncommon.
- *Michelle Marquis: is withdrawal a necessary part of mediation in your experience? Can parents choose to have the complaint continue if the mediation only covers some of the issues?*
 - Naté Dearden: Yes, that's a possibility. We haven't had that happen in Utah, though.
- *Amy Nicholson: Who do parents need to talk to when they have an issue with an interim teacher who's not highly qualified?*
 - Naté: OSEP has given guidance on that in *Questions and Answers On Highly Qualified Teachers Serving Children With Disabilities*.
- *Amanda Longwell: What is the success rate in fighting for the parent when it's up to the LEA or the investigator to prove?*
 - Naté Dearden: Sometimes cases will go to due process hearing when things are hard to prove because the hearing officer can make decisions about the credibility of witnesses, placement decisions, etc.
- *Amanda Longwell: Which affects systemic change more: state complaints or due process hearings?*
 - Naté Dearden: Due process hearings about specific issues and we haven't had one. Change has come from complaints.
- *Amanda Longwell: Are the complaints public information?*
 - Naté Dearden: I believe they can be requested from GRAMMA.
- *Summer Gunn: If there are issues with FERPA, etc. in addition to the SpEd issue(s), should parents file separately?*
 - Naté Dearden: It depends on what the parents want to do. Sometimes the other issues are worked out in the process.
- Common areas of noncompliance
 - Child Find
 - Evaluation/eligibility
 - IEP development (Special Factors)
 - IEP implementation
 - Behavior
 - Parent participation
 - FAPE in the LRE (individualized placement decisions)
 - Placement
 - Discipline
 - Written Prior Notice (WPN)
 - Home instruction and shortened school days
- Commonly ordered corrective actions

- Targeted training on areas of concern/noncompliance
- Compensatory education/related service hour awards
- Independent Education Evaluations (IEEs)
- USBE monitoring
- Mentoring
- Order to cease specific noncompliance practices immediately
- IEP review/revision
- Review discipline procedures and policies
- Focused monitoring
- Train staff on how implement IEPs
- Submit evidence of process to review all incoming IEPs
- Reimbursement for privately obtained services/evaluations the school should have paid for
- *Michelle Marquis: Have you had any parents come after a complaint was filed and actions were ordered, but the parent still doesn't feel like they're being served?*
 - Naté Dearden: If USBE has ordered the actions, I am sensitive to that. Usually, we are doing regular monitoring of progress.
- *Amanda Longwell: How does that affect an LEA if they don't comply?*
 - Naté Dearden: It shows up in their RDA scores. If they don't become compliant within a year, USBE has to report to OSEP.
- USBE Efforts to address areas of noncompliance
 - Monthly SpEdOmeter articles on common areas of noncompliance/concern
 - Aligned sped law conference sessions to address state-wide needs
 - USEAM presentations
 - Collaboration with UPDN to design training offerings that are relevant and necessary
 - Strong start training for new SpEd directors
 - TA to sped directors via phone or email
 - TA given during UPIPS monitoring visits
 - TA documents
- How can USBE better support LEAs to improve compliance and decrease findings of noncompliance from dispute resolution?
 - *Janelle Locke: Are the TA documents on the State website? Are there PD documents available for teachers on the website?*
 - Naté Dearden: We have TA docs on the website and UPDN has information on their website.
 - *Amanda Longwell: Are most of your conversations with the SpEd directors and not the superintendents?*
 - Naté Dearden: Superintendents get copies of the letters and they get the reports, but I'm on the phone with the SpEd directors.
 - *Amanda Longwell: Maybe a way to help would be to make sure the conversations aren't compartmentalized.*
 - *Summer Gunn: Having the SpEd director being seen as valuable and important can help spread the word about how things should be done.*
 - *Janell Locke: Is there a way for individual teachers to subscribe to the SpEdOmeter?*

- Emily Nordfelt: No. LEA SpEd directors have specifically asked us to send it only to them. It's also written for them. Most of the information doesn't apply to teachers.
- *Amanda Longwell: Maybe spreading it to more people could help light fires to fix issues.*
 - Naté Dearden: The law conference is a great resource for teachers and parents.
- *Jennifer Howell: The law conference is better for experienced educators. However, we have so much turnover, we have teachers who are coming in inexperienced. Maybe providing training on baseline principles of IDEA for new teachers could help.*
 - Naté Dearden: In your experience, what would be the best way to provide that?
 - *Jennifer Howell: Maybe have a teacher day at the law conference to provide more tangible, hands-on training, rather than just theory and law.*
- *Summer Gunn: Lots of our APT teachers LOVE Running Start. Maybe having something like that around the law with the law conference.*
- *Amy Nicholson: Since there's so much turnover at the paraprofessional level, maybe require paras to have a specific foundation on what they should know and provide more training.*
- *Janell Locke: Have we heard anything about the opt-out issue?*
 - Kim Fratto: No, we haven't yet.
- *Amanda Longwell: Provide better training to gen ed teachers in teacher prep programs.*
- *Amy Nicholson: Doing transition plans for medically fragile students at transition age that are outliving their age expectancy is very traumatic.*
- *Jennifer Howell: Lack of school-wide systems for dealing with student behavior. Really aggressive and intensive behaviors are increasing dramatically, and teachers don't have resources.*
- *Adina Zahradnikova: Parents are very concerned about barriers to transition from school to work. Provide training on ways to talk to parents about that.*
- *Janell Locke: I would like more information on the co-teaching model and indicators regarding LRE, since SWD in secondary settings are so often pulled out of the gen ed setting.*
- *Amanda Longwell: Provide more meaningful and quality access to higher education opportunities.*

Adjournment

- Motion: Emma Borrman
- Second: Michelle Sanchez