

Rhode Island Special Education Advisory Committee

The Rhode Island Special Education Advisory Committee is an active voice in advocating that all students receive superior educational services, enabling each student to achieve optimum success throughout the school years and into the world of adulthood.

March 20, 2008

6:30pm – 8:30pm

New England Institute of Technology

Hall of Fame Room

2500 Post Road, Warwick, RI 02886

Meeting Minutes

Present: Denise Ahern, Deborah Ambeault, Melissa Angell, Jeffrey Aubin, Deborah Belanger, Amy Canario, Barbara Chadwick, Sheila Collins, Steven DiBiasio, Roberta Emery, Ronald Martin,, Dorothy McDonough, , Jane Morein, Marty Morris, Ralph Orleck, Robin Pacheco, Lillian Patterson, Kellie Piche-Tatro, Walter Sage, Jane Slade, Marion Slater, Paul Stroup Jr., Sharon Terzian, and Louise Tillinghast

Absent:, Ann Brockmann, Gloria Bussell, Kim Chouinard, Maya Colantuono, Joanne Dodd, Ruth Feder, Shelly Greene, Kat Grygiel, Lisa Guillette, Richard Moore, Mary Pendergast, Barbara Whalen, and Kim Wilson.

RIDE attendees: Kenneth Swanson, Sally Arsenault

Visitor: Wilfred Beaudoin

Call to Order, Agenda Review, Welcome

Lillian Patterson called the meeting to order and welcomed Deborah Belanger as a new RISEAC member. Deborah is assuming the seat of Cheryl Collins, who has stepped down and designated Deborah to represent the state's Parent Training and Information Center on RISEAC.

Lillian announced that Barrie Grossi and Lynn Ryan have been invited and have agreed to present to the Committee at its May meeting on the subject of the new IEP product and process

Approval of Minutes: The February 14, 2008 Meeting Minutes were approved with the following correction: On the last page under New Business, the first sentence under Membership Drive is revised to insert the phrase "is stepping down."

Director's Report

Ken Swanson, Director of the Office for Diverse Learners, reported to the Committee on the following series of events that are underway related to students with disabilities:

- o Today's morning presentation at the Commissioner's Forum, sponsored by the RI Superintendent's Association. This addressed the new Staffing Policy and Plan requirements for school districts, State Assessment, and Response to Intervention (RTI).**

- o 32 scheduled sessions throughout the spring, related to the new Regents Regulations Governing the Education of Children with Disabilities and the new IEP protocol and process. Ken agreed with Marty Morris' request to also address the non-public schools for students with disabilities. The Office for Diverse Learners is committed to getting the word out to as many constituencies as possible.**

- o As of Monday, the Office for Diverse learners' federal IDEA Part B annual application will be available on the RIDE website for public review and comment. We are in a 60 day public comment period, which will end on May 16, 2008. The application reflects very general, large blocks of resources devoted to the major initiatives underway in special education in the upcoming year. The majority of the funds**

represented in this plan are funds that are passed through to school districts as their annual IDEA allocation of funds.

o Ken reported his attendance at a presentation regarding the McKinney-Vento Homeless Assistance Act by the RIDE Title I Office. Noting the significant intersection of this Act's provisions and children with disabilities, Ken found the presentation eye-opening in terms of children with disabilities who are homeless being an underserved group. He recommended that the Committee consider inviting Kim Chouinard to present this information to RISEAC at a future meeting.

o After yesterday's Autism conference, we have now reached more than 1,000 educators, administrators, and families with this professional development.

o The May Leadership institute brochure was finalized yesterday. This institute will focus on Collaborative Teaching at the secondary level to promote more inclusive education and to address issues related to ensuring highly qualified teachers. RISEAC members are invited to attend at no cost, and the brochure will be forwarded shortly.

o The state formed and sent an RTI (Response to Intervention) team in December to the national RTI summit. RIPIN's PTIC and PIRC, principals, superintendents, districts, union leaders, and RIDE were represented. The RTI team has now held its 3rd meeting since

returning from the summit and is about to roll out images of the RI system and supporting documents. RTI statewide training for districts has been underway now for at least one year.

- o In Providence School Department news, Supt. Donnie Evans has resigned. RIDE is concerned about the transition to new district leadership and is closely monitoring.

- o The RI School Superintendents' Association has been convening the Commissioner's Forum for 5-6 years, covering topics such as PBGRs, Assessment, and other areas of reform. This morning, the forum focused on the newly adopted special education regulations. New regulatory provisions, performance of students with disabilities, and the new staffing plan requirements were presented.

Regarding district staffing plans under new state special education regulations:

- o Few staffing changes are expected from districts in the upcoming year, with districts are already passing budgets.

- o Districts are required to develop a special education staffing policy and staffing plan regarding how they will provide services to students with disabilities. Based on preliminary feedback, we are aware that policy development may require four or more months, given the public input and school board approval processes, so districts have 3 options regarding timelines for developing their staffing policies. The

staffing plan, as well as the plan for policy development, will be submitted at the time of districts' submission of their federal grant application (Consolidated Resource Plan-CRP) this June. It is important that staffing occur based on policy, with evidence of public input, and not be based on bargaining unit contracts.

o The public engagement process that the Providence school Department undertook in developing its waiver request was a model process in that there were several opportunities for input. We are looking to districts to get public input in the development of their staffing policies. Ken updated the Committee on Providence's midyear report re: the status of its waiver implementation, which is showing some early indications of a slightly upward trend in positive effects, slightly downward trend in some negative effects, and some areas of no change.

o The Office for Diverse Learners will be issuing the staffing policy and plan information to districts soon, and will forward this information as well to RISEAC members when it is disseminated.

Discussion:

Question: Regarding participation of students with disabilities in state assessment, and the frustration of the experience for some students—are there currently any options for opting out of state assessment?

Responses: No, but RI, as part of an interstate consortium, is studying the issue of off-level testing. NCLB has forced the accountability question, and holds education responsible to attend to children previously disregarded in terms of expectations. Changes are likely, but it's critical to avoid a knee-jerk reaction. The question to be addressed is—who ARE the students needing a different assessment? The percentage of 1% is intended as a guideline for states, in that only 1% of student scores can be counted under alternate assessment.

Question: Regarding district staffing plans, what would prevent a district from increasing class size to 13 or 14? How will districts get input regarding whether class size/ groupings are working? There are concerns about how much time might pass with a context that doesn't work, before the problem is addressed.

Responses: District staffing plans include a requirement for an evaluation component through which districts will show how they know whether their staffing plan is working. In addition, all IEP protections still apply—if things aren't working for a student within any class size or group, even if the group size is small, the right to an IEP review should still be exercised promptly if a student's needs are not being met.

It is hoped that students can be grouped functionally. For example, it actually would be easier to teach 12 students functioning at similar levels than to teach 8-10 functioning at 3-4 different levels.

Comment: Districts should consider ways to get parent perspective on how things are working. For example, in Providence, the Local Advisory Committee will be looking at how to get parent input on the periodic reports. Also—that district has a task force on special education with 6 subgroups making a substantial effort in subcommittee work. The Chief Academic Officer has made it her mission to improve special education programs, make them relevant, and boost achievement of students with disabilities. Ken Swanson noted that the provisions of RIDE’s response to the Providence School district class size waiver request offer a good example of quality assurance. A copy can be made available to RISEAC

Old Business

RISEAC Membership Drive update & next steps

Sheila Collins, Chair of the RISEAC Membership Committee, welcomed Deb Belanger as a new member and reported on the status of this year’s membership drive as follows:

We are doing well, with four applications received so far, representing 3 parents and 1 special education director. At least two more applications are expected. We are projecting April 4th and 5th for interviews of potential members. With March 28th as our application deadline, there is still time if committee members know of anyone

who is interested. Barbara Whalen will be stepping down. Some RISEAC seats we need to fill include higher education and related services provider representatives. Contacts with college special education departments and RISHA and other professional associations for service providers were suggested.

Recruiting students as RISEAC members was briefly discussed. Students are not a federally required RISEAC “seat”, but the committee would certainly consider student members interested in joining. It was noted that students on adult committees may be more comfortable if more than one is included, offering the student a peer member.

The Membership Committee members are Sheila Collins, Amy Canario, Steve DiBiasio, and Louise Tillinghast. Any other member interested in joining this committee is welcome!

Secondary Regulations Hearings debrief

Lillian thanked Paul Stroup and Amy Canario for their work on preparing testimony and to Paul for testifying at the Secondary Regulations public hearings.

Paul Stroup reported on his testimony presented on behalf of RISEAC on Thursday, March 6th at 4:50. Approximately 150 people were in

attendance, making it a busy night with a wait time for testifying and a bit of a rush in presenting. The testimony was emailed to all members, and a copy is available in tonight's packet. (attached)

The major concerns were presented in testimony:

- o The 1/3 weighting of state testing in graduation requirements**
- o NECAP scores on students records**
- o Alternative programs not becoming a dumping ground**
- o Support for inclusion of middle school in the secondary regulations and individual learning plans (ILPs) for all**
- o Support for improved family communication**
- o Wasn't able to get at some of the other issues such as course credit requirements, but vocational schools and students spoke about the impact of course requirements on them – that it is problematic and may interfere with the state's ability to maintain vocational schools if such a high number of course credits have to be earned at the same time.**

Paul noted that the hearing was well attended and expressed appreciation to members for their support.

Discussion:

One member inquired whether vocational curriculum might have the capacity to meet science and social studies credit requirements.

That would have to be worked out. For example, a lot has been cut

out, such as shop math. It was noted that in Pawtucket, senior math and English have been aligned with New England Institute of Technology curriculum. The math is not Algebra II, but does meet requirements.

Questions were raised regarding how this has been addressed in other career and technology schools such as the Metropolitan Career and Technology Center. This is something that might be able to be addressed by the RIDE High School Office.

It will be interesting to watch how Alternate Assessment/Curriculum classes adapt to align curriculum with the PBGRs. By next year, such programs will need to have the capacity to show student proficiency in different ways, with a possible impact on diplomas for students with severe/profound disabilities.

RISEAC Strategic Workgroups – Status Review

Members were referred to copies of this year's RISEAC strategic plans in their packets, with Lillian leading report-outs from each subcommittee on progress made this year on their work plans.

- 1. Regulations Subcommittee: Work plan completed.**
- 2. State Performance Plan (SPP) Subcommittee: Work plan**

completed.

3. Individualized Education Program (IEP) Subcommittee: Work plan completed, with follow-up continuing as the IEP sessions roll out. Some members are attending these sessions, and the process is still being tweaked. This work plan will be kept open at least until July 2008.

4. High School Regulations/Proficiency-Based Graduation Requirements Subcommittee: First 4 steps are completed. Because school districts are in flux, this work plan will be kept open to allow follow-up.

5. Four-Topic Plan-to-Plan Subcommittee:

a) Transportation: This work is at a standstill, but Patricia Durfee of that initiative has agreed to keep Melissa Angell informed.

b) Students with mental health issues: Some of these issues will be brought to the Special Education Advisory Network (SEAN). Union issues that some members have experienced when attempting to bring clinical social work services into Providence Schools were noted. Other instances where roadblocks were not a problem involved contracting to bring Associate level social services and assistance into schools. One member observed that schools are not equipped and are struggling to meet students' serious and numerous mental health needs, even among very young elementary age students. This work plan needs continuing work and will be kept

open. Sheila Collins asked members to provide to this subcommittee at the next meeting or via email written descriptions of their perspective on mental health issues/needs in schools for this subcommittee to consider.

c) **Changes in DCYF Services Subcommittee:** Melissa Angell distributed a leaflet of information offering contact people to respond to frequently asked questions that emerged from the DCYF hearings. Melissa Angell indicated she is happy to serve as a contact person to help smooth issues folks encounter in the case of DCYF-involved students and school systems, and that proactive work and advocacy is important for addressing the needs of these students. Some discussion centered on concern about students with disabilities aged 18-21 losing foster care placements and the potential impact on their access to school and special education services. It was noted that such students in an independent living program and attending school may still be followed, and that a range of needs are being examined by workgroups at DCYF. Pawtucket's experience has been that supervisors in private residences such as supervised living arrangement, have been bringing students in to register for school, and this has been positive. Some seniors responsible for obtaining their own Summary of Performance (SOP) at graduation have limited understanding of the importance of the SOP and don't consistently maintain this record.

It was reported that the Training School experiences long delays in obtaining information from school districts. A presentation on TINET

reveals that the different information systems among school systems causes a slow down in getting services going. (13 districts work with TINET.) Within one system, it is easier to share IEPs and other records among districts. One member noted an example of records transfer in one Providence middle school taking as long as one month to be transferred to another middle school in the same district. RIDE confirmed that districts do buy their own information system vendors, and that this has other impacts, such as challenging our ability to establish a web based IEP format—the cost is prohibitive.

Early Childhood Agenda Subcommittee: The assumption is that this work centers on the transition process between Early Intervention and Special Education (EI-Preschool transition). Sharon Terzian reported that, at the Interagency Coordination Council (ICC) today, one subcommittee raised the EI transition issue. There is a RIDE-sponsored conference next week focusing on EI-preschool transition. It was recommended that the work of this RISEAC subcommittee be discontinued and allowed to be handled by the ICC, which is currently looking at the issue. RISEAC is represented on the ICC by Sharon Terzian. In addition, Mellissa Angell in her role at DCYF is working with DCYF providers as well to facilitate the transition of advocates and services by age 3.

It was noted that the subcommittees need to meet and close out, update, and/or revise their work plans.

New Business

Election of Officers -- Appointment of Nominating Committee

The Membership committee has been asked by the Chair and has agreed to help with the process of RISEAC officer elections and will put together a slate of officers for members' consideration at the next meeting.

Under RISEAC by-laws, officers serve two 2-year terms, and members can serve up to three 3-year terms. One thought is whether the committee is interested in re-considering its by-laws at some point. One idea suggested was to amend just a section rather than open the entire set of by-laws. A suggestion raised at an earlier meeting was to open and re-consider the executive positions, such as that of recording secretary.

Noted: Lillian Patterson has reached the maximum term this year, and will be stepping down. Ralph Orleck, Vice Chair, has one more year of his membership term remaining. Ralph can move to the Chairperson's seat if nominated, but cannot complete the full term and would need to be replaced by the Vice-Chair after one year.

The Nominating Committee is responsible for presenting to RISEAC a slate of officers to assure at least one candidate for each officer

position. This assures that RISEAC won't have a vacancy in its executive board. However, members can nominate additional individuals for the officer positions, and are encouraged to call Sheila Collins with nominations. Should any nominated members be unable to serve, please call Sheila to make sure she is aware.

The Nominating Committee will present the slate of officers at the April meeting. Members are encouraged to call Sheila Collins with any nominations.

Issue submitted for the Committee's review: Proficiency-based Report Cards & Students with Disabilities:

Sharon Terzian reported on the new standards-based reports cards implemented in Warwick, noting that these are emerging in other districts. To more fairly reflect progress for students with significant disabilities, Sharon reported working jointly with Warwick to add a 5th reporting score on its report card to offer the capacity to note that a student is "below proficiency, but making progress". Pawtucket includes a reporting level such as "approaching standards" for students performing below standard but making progress.

Although a solution was reached for the Warwick reports card, this suggests a heads-up to be aware of the impact of standards-based report cards on students with disabilities across the state, and

assuring that there is fairness in the way student progress is recognized even when students are not yet achieving standards. Some members agreed that report card time, like NECAP day, is a very discouraging experience for many students with disabilities.

Pawtucket addresses the issue by coupling the report card with the IEP goal sheets, to enable the progress report to compare the student's performance against standards but also show progress being achieved. School districts must design report cards to avoid identifying students as having disabilities.

Related to report cards, there was some discussion of PBGRs as well, and the impact on students' eligibility for diplomas. RI is examining options along with Vermont and New Hampshire, in light of the NECAP weighting. In Massachusetts, the MCAST started with a high cut-off score but, to avert holding students back from graduation, has lowered this high-stakes score several times over the years. Discussion ensued regarding the contrast between instructional accommodations and the limits on accommodations during NECAP. This issue is being examined by the consortium of states.

The chair inquired whether there is enough interest to form a subcommittee to focus on report cards. At this time, the issue stands as a heads-up.

Public Comment

One public comment was presented as an inquiry regarding the issue of physical restraint practices in schools, whether monitoring has been an issue, and how this issue impacts students with special needs.

It was explained that the oversight of the Regents Physical Restraint Regulations is assigned at RIDE to the Office of Equity and Access. RISEAC officers, in the January RISEAC meeting, had reported that RIDE is collecting physical restraint incidence reports as well as district level policies from school districts, but that the Commissioner of Elementary and Secondary Education had indicated in his meeting with RISEAC officers that district reporting is uneven and challenging to enforce.

Pawtucket looks within the district at its own data to assess trends in restraint incidence, noting that it addressed a slight increase in the use of restraint after training sessions by increasing its training on de-escalation. Members expressed an interest in exploring ways to get local district data regarding restraint practices and incidence. One suggestion was to work at the district level with Local Special Education Advisory Committees, or with the state network (SEAN). Providence Center illustrated its practice of internal auditing regarding its physical restraint policy and procedures.

Discussion ensued among the members, with two members expressing frustration about attempts to communicate with RIDE about how it monitors districts' compliance with Physical Restraint Regulations and tracks data regarding districts' incidence reporting. Members are seeking clearer information about the data RIDE collects and how this data is used to monitor physical restraint policies and practices.

The Committee will pursue this topic as a future agenda item.

Adjournment

The meeting was adjourned at 9:00 p.m.

RISEAC's next meeting is scheduled on April 10, 2008.

Attachment

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Attachment: RISEAC Minutes March 20, 2008

RHODE ISLAND SPECIAL EDUCATION ADVISORY COMMITTEE

TESTIMONY ON PROPOSED REGULATIONS

of the

**BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY
EDUCATION**

**K-12 LITERACY, RESTRUCTURING OF THE LEARNING
ENVIRONMENT AT THE MIDDLE AND HIGH SCHOOL LEVELS, AND
PROFICIENCY BASED GRADUATION REQUIREMENTS (PBGR) AT
HIGH SCHOOL**

Good Evening, I am Paul Stroup, member of the Rhode Island Special Education Advisory Committee subcommittee on High School Performance Based Graduation Requirements. I have been asked by the Rhode Island Special Education Advisory Committee to present testimony tonight on its behalf. The Rhode Island Special Education Advisory Committee is a federally mandated panel composed of various stakeholders in the education of children with disabilities of which a majority must be parents. Other members that must be included are individuals with disabilities, teachers, private schools, child welfare, state and local education, and juvenile and adult

corrections. One of our responsibilities is to comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.

The committee recently reviewed the proposed regulations on K-12 Literacy, restructuring of the learning environment at the middle and high school levels, and the Proficiency Based Graduation Requirements at high school and supports the following changes:

- The proposed regulations will extend to the Middle School level to create a personalized learning environment that includes student advisories, school within schools, academies, and interdisciplinary grade level teams organized around a common group of students.**
- The new definitions are clearer and more precise.**
- The provision of instruction to ensure grade level literacy for all Rhode Island student requirements from diagnostics, reporting, interventions, school wide scaffolding approach, and the intensive literacy approach with the PLPs.**
- The required Individual Learning Plan for all students no later than grade five.**
- The emphasis increased on Applied Learning Plans.**

- **The improvement of family communication and appeals language in which district policies must recognize avenues for alternative methods for measuring the student's overall proficiency in the six core academic areas that will demonstrate eligibility to graduate.**
- **Accommodations of graduation requirements for special education students.**

These changes will provide a scaffolding system for all Rhode Island students to demonstrate their proficiency in the six core areas and meet the high levels of achievement and personal growth.

The Committee expresses concerns about the use of State Assessment as being 1/3 of the graduation requirement, the use of the NECAP assessment as the testing instrument for graduation and the NECAP results being put on the student transcript. The committee raised numerous questions relating to these new proposed regulations:

- **Why is 33 1/3% used as the percentage for graduation?**
- **How did the Regents come up with this number?**
- **Are the Regents considering partial proficiency for this requirement or is it an all or nothing requirement?**
- **Are the Regents considering alternatives for students who are below proficiency and not in Alternative Assessment?**

An earlier draft of the regulations had language to the effect that no one requirement could prevent graduation (credit, State Assessment, PBGR). The Committee supports the reinstatement of language that will stop the failure to meet any one requirement from preventing a student's graduation.

In addition, the Committee expresses concerns of using the NECAP as an assessment instrument for the proposed new state assessment for high school graduation. NECAP was not designed for measuring an individual student's proficiency. It was designed to measure the effectiveness of instruction and curriculum. Presently, students are only being assessed in ELA, Math and Science. Areas that are not included are Social Studies, Technology and the Arts. There are still questions about the validity of the NECAP as it is still "under development".

The proposed recommendation to have the NECAP a result on a student transcript brings into question if this will be a "deal breaker" for an otherwise qualified candidate that will be applying to a college. What value does this add and will higher education consider it in the acceptance process? Presently the NECAP results are rated as Proficient with Distinction, Proficient, Partially Proficient, Significantly and Below Proficient. Will this information be put on a student transcript or would a numerical score be used?

Section 3.6, "Support and Accommodations to Students",

recommends developing alternative programs for students who have not successfully met the PBGR. This is good only if the alternative becomes meaningful, challenging, and relevant and leads to self-sufficiency. It has the potential of becoming a “dumping ground” or a place where students go who have given up or have been forced (suspended too) to go. The Committee urges the Regents to develop guidance for the creation of these programs and the resources to support their development and implementation.

Thank you for taking the time to hear the concerns of the Rhode Island Special Education Advisory Committee. The Committee devoted many hours to the review and discussion of these proposals, and it came to a consensus on the presentation tonight. We are hopeful the Board of Regents will carefully consider our concerns and position prior to the creation of a final set of Regulations for approval.

Sincerely,

Paul Stroup

Paul Stroup,

Rhode Island Special Education Advisory Committee