

State Advisory Committee (SAC) for Children with Disabilities

Advising the New Hampshire Department Education per RSA 186-C:3-b

December 1, 2021
4:30pm – 7:00pm

Meeting Notes

The State Advisory Committee (SAC) held a special meeting on December 1, 2021, in addition to SAC's regularly scheduled meetings.

In Attendance:

Representative Mullen, Alyson Eberhardt, Becky Owen, Bonnie Dunham (Vice-Chair), Christopher O'Reilly, Esther Kennedy, Janet Reed, Jennifer Blagriff, Joanne Grobecker, Kari Grimes, Kerri-Lynn Kimner, Kevin Cushing, Lisa Beaudoin (Chair), Marissa Chan, Maureen Tracey, Melissa McKeon, Moira Ryan, Thomas Ryan,

Guests:

Rebecca Fredette, Administrator, Bureau of Special Education Support, Mary Ellen Hamilton, Amy Jenks, Heidi Clyborne, McKenzie Snow, NHDOE Division Director, Senator Reagan, William Caruso, Holly Carman-Advocate/Parent, Katherine Kinnane-Advocate/Parent (left @5:10), Marilyn Muller-Parent, Isadora Rodriguez-Legendre-DD Council, Tiffanie Capone, Sandy ?

Welcome:

Lisa began the meeting at 4:35pm by welcoming everyone to the meeting.
SAC members introduced themselves and their role on the Committee as well as the attending guests.

Minutes Approval: The June, September, October and November SAC Meeting Minutes could not be approved as there was not a quorum.

Public Comment:

Katherine Kinnane spoke against the proposed changes of Ed 306.18(a)(7) and its companion Ed 306.22. She went on to say that distance education is not only a tool used during school closure but can also do wonders for identified students. What we have seen over the last two years has not only exposed distance education as an effective tool, but it can also be detrimental to a student's education, particularly adolescents. I believe the proposed changes in distance education will cause far more damage as it is currently written than what my family has experienced. Although I have problems with the entire proposal, I am only going to focus on two sections tonight. The first section is 306.22(c)(2) – distance education may be offered only if a parent requests for distance education. All the requests I have made at the district and state level have been ignored or required due process in order to provide and answer for an agreement. Unless this piece is expanded upon and the state develops its own due process for parents of students who do not qualify under IDEA, they will suffer similar harm to what my family has experienced. I also believe this will result in the district not being able to provide equal access for all students. Second - 306.22 g - A student shall remain in distance education until the conclusion of the appeal process in (f) above. I have been disputing my child's placement for 294 days. I am on day 48 for a State Board decision so that I can continue with my appeal. Had my children remained in distance education for the full 240 days, a road to recovery would have been longer and the damage greater if not irreparable. For those reasons among others, I plead that you not advocate for the changes.

Bonnie let Katherine know that you can give written testimony to the State Board of Education.

No correspondence

Legislative Updates:

Senator Reagan nothing is in process.

Representative Mullen suggested that everyone read Bonnie's legislative updates. The way they are broken down into which constituent group would be most affected by which bills is not only helpful for this group but was also helpful for her and thanked Bonnie for her work on this.

Bonnie Dunham went on to discuss her legislative updates stating: There are no public hearing scheduled right now; tomorrow members of the House Education Committee will be meeting with the Finance Committee to talk about education funding and if that is of interest to you.

Public Comment: The proposed rules for which the State Board of Education is holding public hearing on 12/9/21.

1. Should Sac recommend making the change suggested on page 1 re: removing the words "learning styles" from ED 306.26(a)(2)?

Alyson Eberhardt spoke about her proposed change to remove the words "Learning styles". There is a lack of scientific evidence to support the concept of learning styles; however, evidence does exist for the use of learning styles to undermine education (such as wasting time and resources, students developing ineffective study habits) See this resource for a summary of the scientific evidence:

<https://www.apa.org/news/press/releases/2019/05/learning-styles-myth>

2. Should SAC provide input on this component – A guided-reading literacy program ED 306.26(b)(4)?

Jennifer and Alyson would like to see the removal of guided-reading literacy changed to "structured literacy".

Lisa asked if there was any opposition on this change and there was none.

3. Should SAC recommend adding on pages 15 and 16 "individuals with disabilities" to the other groups that have been identified as targets of the Holocaust and Genocide when those topics are being taught?

Bonnie talked about 306.49(1)(c) Historical facts about the causes and events of the Holocaust and other genocides **including all of the groups who have been victims of the Holocaust and genocide.** She would like the highlighted portion to be changed to the following:

Reference is below:

The US Holocaust Museum's website includes information about groups who were targeted for extermination by the Nazis. One of these groups was people with disabilities, who they considered to be unworthy of life. In 1939, Hitler authorized a program code-named "Operation T4", which between 1940 and 1941 killed approximately 70,000 people with disabilities (by the end of the war, an estimated 275,000 people with disabilities were murdered), mainly through the use of poison gas.]

Then 306.49(1)(d) to include what is highlighted below:

How and why political repression, intolerance, bigotry, antisemitism, and national, ethnic, racial, or religious hatred and discrimination **or discrimination against individuals with disabilities**, have, in the past, evolved into genocide and mass violence;

Also, 306.49(3)(b) add highlighted wording below:

Identify and evaluate how political repression, intolerance, bigotry, antisemitism, and national, ethnic, racial, or religious hatred and discrimination **or hatred or discrimination on the basis of disability** can evolve into genocide and mass violence, such as the Holocaust, and how to prevent the evolution of such practices; and

And 306.49(3)(b)

Identify and evaluate the power of individual choices in preventing political repression, tolerance, bigotry antisemitism, and national, ethnic, racial, or religious hatred **or hatred or discrimination on the basis of disability.**

Moira does not agree with this, she feels that this is more about what was done to the 6 million Jewish people that were killed.

Marilyn asked what does this topic relate to with regards to the goals of the SAC committee.

Bonnie responded that it does have something to do with people with disabilities and Kari said that people with disabilities should be included in this rule change.

Alyson agreed that this should be added and it should not be a conversation that puts one against the other.

Lisa said that people with disabilities is an identified, protected class in the United States. It's important that we understand how this population is a protected class and has experienced discrimination in the past as a minority group. It is important for students to know the signs of when a minority class is being targeted.

Jennifer agrees with Lisa, Kari, Alyson and Bonnie and thinks it is appropriate for SAC to comment on this item. She agrees that people with disabilities have been discriminated against and the children need to learn about this from the beginning.

Lisa wanted this pointed out by Jennifer that the discussion of students with disabilities, often not identified as experiencing discrimination, is not a common conversation lesson in our schools. So this will affirm the existence of students with disabilities is real and they matter and they are talked about, especially when they are frequently not talked about.

Holly has a daughter that is a Chicana and has a disability so she is already a minority. She wants to know are we piggybacking affirming discrimination of people with disabilities on this bill of Holocaust/Genocide. Why are we not affirming racial discriminations, why are we not looking at all those components? You are only looking at discrimination of people with disabilities and I am confused as to why you are just looking at this one group.

Lisa stated that if she were to look at the wording it is already in there regarding racial discrimination and bigotry. We are just adding in people with disabilities because they were targeted and remain targeted and they are not named under the other protected class and we want to illuminate this in the bill and list it.

Bonnie stated that at this point, unless seven more members show up, we do not have a quorum that SAC cannot vote or testify. Any member can go as a private citizen and state that you are there as a private citizen and not representing SAC.

Greg wanted to know what is the evidence that this is not already being taught in the classroom, and he asks as a former English teacher who taught that for 12 years in the classroom. Alyssa agreed with this Greg's statement.

Bonnie said she was glad that some schools were teaching this but it wasn't part of the curriculum and that's why the State Board proposed the rule because it wasn't part of it.

Chris asked but we are not hearing from anyone at all if this is being taught in the classrooms?

Janet wanted to say that she believes she is trying to confirm this, that the state standards for Social Studies requires that you teach about the Holocaust.

Lisa said that this in front of us because when the State Board of Education is looking to change or amend policies or practices, SAC has an obligation to see how it may affect the education of students with disabilities or affect the students with disabilities. We are considering what the State Board of Education has proposed as an alteration in standards for curriculum. As a note, the SAC is not required to let guests speak. We want to make people feel welcome but there may be times that this is not possible if we have a tight agenda and I just want to make this noted. Lisa stated that because there is no quorum in the room, the SAC cannot send in a recommendation so if anyone would like to send in a comment for the December 9th Public hearing, to please do so.

State of the State:

Amy Jenks and Heidi Clyborne to presented on Indicator 13 – Secondary Transition.

PowerPoint Presentation: Indicator 13 proposed procedure for monitoring and data collection to begin in the 2022-2023 school year.

Janet asked if there are areas that are more problematic than others are. Amy responded by saying that the number of items have reduced but the most problematic is the post-secondary transition goals and it is usually minor not having the area of interest mapped out and or aligning with transition assessment. In addition, sometimes they struggle with making it a measurable thing, they have that student that has high expectations or maybe following a dream. The projection based on the students input is sometimes difficult for them. Another area is the student invitation and we offer a compliant invitation in NHSEIS that districts can use. Usually the invitation goes to both the student and the parent but the body of the invite says, "You are invited to your child's" so it doesn't include the child in the invite.

Janet and Melissa agreed that by doing this more often now, this will help keep everything consistent. With the great turnover of staff, the training will help with the transition process and having the accountability at the LEA level will be another positive step.

Lisa asked for Thomas' input on how his transition and transition planning has gone. Does he feel like it is a good idea to have more schools districts monitored for transition planning?

Thomas said that his transition experience is that they just asked him what he wanted to do and that was it. He agreed that it is better that there is more monitoring going to be done.

Lisa asked what was the origin for the change and Amy stated that they reached out to IDC, which is one of their TA centers, and connected with other states and felt that this would be more consistent and give professional development to schools on how to improve their practices.

Heidi stated that by doing it every six years, schools weren't getting into the rhythm of transition planning, it was all about being compliant. We have to make sure that everything is compliant but it is really about the student and what they are going to do after high school. When they are in high school, that IEP should be moving them forward, build any skill deficits and helping them to move towards what their dream is.

Many agreed that more needs to be done to work with schools on the transition process. Esther said that with staffing shortages in residential facilities, there is a need to go out of state and this has taken months and said this needs to change.

Becky stated that the DOE, VR and DHHS have started to work collaboratively on Student Transition and community support systems.

SAC Priority

Do we want to have a Public Forum for Parents? Will we have to do it on Zoom?

Bonnie doesn't know if the timing is right with COVID, she sent out information regarding public/parent forums that they had before. She said they were time intensive and maybe we should include other co-sponsors along with the DOE, if they were going to be in several locations. Originally, we talked about inclusive school culture and staff shortages would be the topic.

Kevin spoke about the Family Involvement Subcommittee discussed as to who would organize this. Would there be outreach from the DOE to the community; people don't know that there is a DOE, DRC or PIC. What are the resources available and continue to have ongoing outreach to the public.

There was continued discussion on if this were to happen how would it be accomplished? Would people sign up to speak, raise their hands? It was also asked what was the goal and end result. What are we going to do with this information once we receive it? If there is no focus or end goal, we shouldn't have it. Other said to back off from this as parents are overwhelmed and it is not the best timing and others felt that January was too soon.

There was also a feeling that this issue did not have a solution and that it is a nationwide issue. Others felt that ideas could be gathered without having a parent forum.

Ideas were given on how to recruit people for schools by reaching out to high schools/colleges; having trainings for Paras by the DOE; having districts perhaps, give benefits back.

Representative Mullen stated that once benefits were taken away from Paras and their pay did not go up most of them left. They were willing to work for lower hourly rates if benefits were included.

Becky said that she would check with OSEP and see if they had any reasons why teachers are leaving.

Subcommittee Updates

Kevin spoke regarding the Family/Parent Engagement subcommittee that last met in October, so there was no update. Kevin did not have their goal available at this time.

Jennifer regarding the Reading Subcommittee that met on November 17th briefly to discuss what we needed to prepare for the next meeting. There are two meetings scheduled for December 6th and

December 15th. They intend to look at the dyslexia law and compare this to the purpose of the subcommittee.

Kevin talked about the Dispute Resolution Subcommittee meeting that met and passed the update over to Moira. She stated that essentially they just reorganized to set a path and meeting to move forward. Kevin stated their action statement is to help parents and students identify and remove the barriers to resolve disputes and to come to the SAC with a recommendation to bring to the Commissioner. Their next meeting date is December 16th.

Lisa asked that people come in person so that there would be a quorum, as we cannot accomplish our charge unless there is 14 people in the room. If there was a quorum in January, we would be able to change the by-laws to adjust the number of people needed to make the quorum. She said that we could get people to wear masks and Becky said that she would reserve a bigger room for January and others said to separate people with masks on and those who don't.

Alyson asked if a COVID protocol could be put in place, as there are people that cannot take the risk for exposure. Lisa responded by saying that there are SAC members that are not willing to wear masks and that was all she could say.

Marissa agreed with Alyson said she would come in January but how do we make sure that this change can happen so that the quorum change is approved. Joanne agreed that she would show up if there was going to be a quorum to approve the change.

Janet was concerned about making the quorum smaller because it lets a smaller group approve things. Lisa said this is not something that she is putting forward but other committees are doing this. She said that we could continue to operate as long as we are aware that we cannot put things forward to the commissioner. Janet asked if we could put in a caveat that until COVID cases lower.

Representative Mullen said there is a sunset clause that says that the committee has the option to change this back at any time but also can have it expire on a certain date/time.

Lisa said that we as a committee between now and January have to come up with creative solutions on how to conduct our business. We can continue to do it this way but there are other things that we cannot do like passing the meeting minutes, etc. Lisa asked to have a meeting with McKenzie and the Commissioner regarding the dilemma of a quorum and what could be done

Bonnie stated that this has to be presented to the SAC members 30 days in advance.

Old Business

No voting on dispute resolution, cannot take nominations, etc.

Adjournment

The meeting was adjourned at 7:08