

State Advisory Committee (SAC) for Children with Disabilities
Advising the New Hampshire Department Education per RSA 186-C:3-b

January 6, 2021
4:30pm – 7:00pm

Via Zoom

In Attendance:

Lisa Beaudoin (chair), Bonnie Dunham (Co-Chair), Kevin Cushing, Kari Grimes, Dale Boyle, Tina Greco, Gregory Magoon, Alicia Ferguson, Maureen Shields, Kerri-Lynn Kimner, Christopher O'Reilly, Janet Reed, Moira Ryan, Esther Kennedy, Melissa McKeon, Tracy Walbridge, Jennifer Blagriff, Leah Lucier-Pike, Gordon Muench

Absent:

Jill Hartmann, Karen Rosenberg, Violetta Lortie, Susan Rasicot, Mike Pinard, Elizabeth (BeBe) Casey, Meghan Cullinane, Anna Barrows, Senator Jean Dietsch, Representative Glen Cordelli, Senator Jay Kahn, Thomas Ryan, Jason Henry, Sandi Raeuchle

Guests:

Rebecca Fredette, Administrator, Bureau of Student Support
Heather T., Parent
Kate Shea, Parent Representative, Advocate for autism
Dayna with Alicia
Maureen Tracey
Lewis Bellows, student

Welcome:

Lisa Beaudoin (chair) began the meeting at 4:35pm. Welcome to the meeting.
SAC members introduced themselves and their role on the Committee.

Approval of November 4, 2020 SAC Meeting Minutes

Any questions, comments, discussion? One correction Leah Lucier-Pike attended the November meeting.

Motion made by Esther to approve the Minutes as amended; seconded by Dale.

14 approved, 3 abstentions, 0 opposed. Motion is carried.

Public Comment:

No public comment

Bureau update from Rebecca Fredette, questions:

Bureau staff are working on the State Performance Plan (SPP) and Annual Performance Report (APR), needs to be submitted in February. Working on the indicators – 18/19 data.

The Department has dispersed all provider funds, two rounds of two million dollars. Still working on compensatory education funding, ensuring processed correctly. Upon receipt that the Department is processing correctly, the funds will be sent out to public schools for compensatory education services for extra costs, above and beyond, what was budgeted.

Question

Did schools have unspent dollars from Medicaid to schools that could have been used for compensatory education?

Response

The 18/19 IDEA grant was extended to September 2021 to spend on compensatory education. Provided with an extra year to spend down these funds; remote learning grant used created to drawdown remaining IDEA funds.

Question

Is that public information regarding the GEER funds, not for the services for the money to be given to districts?

Response

Becky would check on this due to specific information to students.

The Bureau has welcomed a new staff member, Krisha Dubreuil. Krisha will be working with preschool students, preschool assessment and iSocial.

The Bureau is continuing with monitoring, making adjustment to work in person or virtual.

Legislative Update from Bonnie Dunham, legislators

Bonnie – the list has been updated and has actual bill numbers, there are several of interest.

CACR 3 - use of money raised by taxation for education. Providing that money raised by taxation may be applied for the use of religious educational institutions. *[Note: Religious schools that do not receive Federal funds are able to discriminate on the basis of disability; the school is exempt from the ADA and/or Section 504.]*

HB 96-N-A - establishing the office of school counseling and psychology, establishing the position of school counselor coordinator, and making an appropriation therefor.

HB 198 - relative to an exception to the opportunity for public education without discrimination. *[prohibits students who are biologically-born males from playing on women's sports teams]*

HB 215 - permitting school districts to contract with independent schools and private schools. *(in NH or another state - ? re: NH Standards' prohibition against IEP teams placing in out-of-state schools that use aversives w/apply)*

2021-0937 - establishing a committee to study the effects COVID-19 lockdowns, quarantines, school, and business closings

HB 220 - establishing medical freedom in immunizations [*includes the sentence: "No person may be discriminated against for refusal to accept an unwanted medical intervention, including immunization." (ex: a school or hospital could not require staff or students to be vaccinated for polio, measles, mumps or COVID-19)*]

Commissioner Edelblut

Commissioner Edelblut joined the meeting to provide updates.

Not much has changed since our last time together. There is one issue in Nashua, which the Department is working on.

Would like to hear from SAC members if they know of anything that should be on his radar, as well as questions for him.

Question:

Since before the holidays the numbers have changed dramatically in New Hampshire. Some State have more stringent lockdown policies. If numbers continue to increase, will this change the status for New Hampshire?

Response:

It is possible that would have a post-holiday season with a boost in numbers; we may have hit our peak. Hospitalizations are back down this morning; feel like rounding the corner as to where we are a positive thing. Educators disappointed they are not in the top to be vaccinated.

Anything out there that you see is happening?

GEER Funding, will be helpful for school districts; as is going to be a significant amount of money coming to the state. The Department will be issuing a press release, 156 million dollars coming into the State, which is four times the amount of monies received prior. At this time, the Department has not received guidance as to how the funds are to be dispersed.

Question:

Will parents have access to Compensatory Education, as they did in the spring, for services that were not provided as a result of remote instruction in this current school year?

Response: Yes.

Question:

What is the timeline to spend these funds? Some districts are having a difficult time getting funds spent and to submit receipts for reimbursement.

Response:

One year to spend down the funding.

Questions:

Do parents know they can ask these questions, help problem solve. How do we let parents know?

How to get messages out, what to expect, and what does remote instruction look like. Could the Department put something together on the special education process, where parents are active?

Is there a way for families to opt in for conversation? Parents rely on information from schools districts, how can families opt in for information specific to families?

Response:

Historically, not allowed to have family contact information.

Comments:

- The DOE has a Facebook, page, parents can access. Possibly, the Commissioner, in parent language, share information for parents.
- As a parent, I don't have time to use social media.
- Would rather opt in to an e-mail.
- Parents like the unified message for all.

Question:

Last budget session, SAC made a request for sufficient funding for Special Education Aid and sent a letter to the Commissioner. Are there any budget issues that you would like people to advocate for?

Response:

The Department did receive additional funding for Special Education. Looking at set aside as did not use all the funds, was fully funded; not spending monies on residential placement if closed due to COVID.

Comment:

Say was full funded, was still prorated.

Response:

Yes, followed the law, the formula was fully funded.

Commissioner thanked SAC for letting him jump into the meeting and would be great if SAC could put together a document for parents.

Question:

Do you know who the new legislative representative are? Representative Le did not run.

Response:

Becky will check with the Commissioner.

Discussion the overarching priority- COVID. SAC is exploring how COVID is impacting students with disabilities How has COVID amplified challenges which existed prior to the pandemic? How is COVID affecting the education of students with disabilities? What have we learned about the status of education for students with disabilities in NH because of COVID? SAC's responsibility is to address the unmet needs of student with disabilities even if it isn't universal across NH.

- Document for parents to know their rights.
- How do we get information out to parents?
- If things are not happening properly, go up the chain.
- What is time frame? Where is the data? Is the school district saying no?
- How do we keep having these positive conversations?
- Parents do not know that NHDOE is a tool.
- As a parent, how and why would I contact the NHDOE?
 - Parents call with a complaint, what is going on in their school district. NHDOE will let parents know what their options are. The NHDOE will call the districts to talk about parents' concerns. Work with the parent and the district to come to a conclusion.
- NHDOE is a resource for parents.
- Parents gets confused about special education complaints vs due process. The NHDOE can help between filing a complaint, due process, etc.

Question:

Is the Department receiving calls about issues going on, not complaints? Is the Department keeping track of these calls? What about Due Process Hearings? The SAC is to be advised of Due Process Hearings, on the bottom of the Agenda. Would like an update on the backlog of Due Process Hearings. What about mediation? Are these kept track of? Parent file Due Process and need to settle in mediation?

Response:

Yes, the Department keeps track of calls. Up to this week, have not seen any patterns or trends. Official complaints was at five, might have more at this time.

Noticing some patterns and more districts are coming up more frequently over the past few weeks. Have worked with the districts one on one. However, now seeing some things that are more consistent. Fatigue of kids not getting services, not being in person. Mostly fatigue and not getting services.

Question:

What exactly is the role of the NHDOE? In general, what is the purpose?

Response:

The Bureau of Student Support provides support and guidance. General Supervision, State Performance Plan (SPP), Annual Performance Report (APR), resource to school and families, ensure we are following federal and state standards.

Bonnie: We have gotten off track – back to track to talk about COVID

Lisa started out with focusing on the positives.

- Putting together something on successful situations.
- Meeting weekly to brainstorm has anyone come across this situation. Need to be purposeful with your resources as all are overwhelmed.
- NHDOE does have a receptacle for success stories.

Question:

Can the Department send out questions to school districts to participate, provide their solutions?

Response:

Bureau has bi-weekly calls with districts; ask people to send success stories, etc. Has received less than ten (10); folks share success stories in the chat, however if SAC is looking for strategies, have not received many strategies.

If SAC has 10 strategies and 10 problems trying to resolve, the Parent Information Center could put on their website.

SAC members want to be on a sub-committee for a parent document to provide to the Commissioner.

- Bonnie
- Maureen
- Jennifer
- Tracy
- Melissa
- Kerri-Lynn

Meeting scheduled for January 14th at 7pm.

Vote on the draft 2020 SAC Report

SAC members received the draft SAC Report in December for review.

Questions | Comments?

- The footer needs to be updated
- Page 6, paragraph about Due Process, PIC and DRC rephrase

A motion was made by Bonnie, seconded by Maureen to clarify and provide information.

We do not have the time to go page by page, we can table. Language colored needs review and updated.

Question:

Becky, can someone on your team check the links?

Response:

Yes.

A motion was made by Esther, seconded by Melissa, to approve the SAC Report with the corrections and links verified.

All in favor, 3 abstentions, 0 opposed. Motion is carried.

**Update: mask subcommittee; remote instruction subcommittee; solutions for workforce challenges
Lisa called HHS yesterday to talk with someone for direction, Cheryl Nielson. Sent her the minutes from the Sub committee minutes and the question of DOE/DHHS design a rubric making reasonable accommodations for using masks.**

Received an answer today from DHHS.

- Masks are not mandated, this is a DOE or school district decision.
- Do not have the time and will not make the time to meet with SAC.
- Will not help the NHDOE with healthcare reasonable accommodations for masks.

They are not stepping into the waters for reasonable accommodations for students who cannot wear masks. As a Committee, we asked DHHS to make a recommendation to the Commissioner.

- Does SAC provide it displeasure with DHHS to DHHS or to the Commissioner?
- Can districts bring in their own physicians to make a decision, our own expertise?
- Will the Office of Civil Rights (OCR) provide training, talk about what they consider reasonable?
 - Call OCR to see if they have guidance.
- Reach out to special education directors, they may have a decision tree and do they have a form or not? There could be models out there.

The next meeting for the Mask Subcommittee meeting is January 21st at 7pm.

Time to reach out to OCR and districts for input. Kari would like to participate on the Subcommittee.

Thursday the 21st for next sub-committee, mask meeting – 7pm

Nominations, Old Business, New Business – Announcements, Comments

Nominations

Kari Grimes nominated Lewis Bellows, seconded by Melissa.
Lewis is a junior at Exeter High School, has MS and is excited to join the committee and to make a difference in his community and students with disabilities.
All in favor – welcome.

Announcements

Question:
Has there been any talk around the reauthorization of IDEA?

Response:
No, have not heard anything.

The State Advisory Committees will be involved in the reauthorization, early input sessions. Letter to Commissioner to make recommendation. Bonnie will draft language.

Should the SAC establish a new subcommittee on Due Process, etc?
Invite Stephen Berwick to the February SAC meeting to provide updates.

Maureen made a motion to adjourn, Esther seconded. All in favor
Meeting adjourned at 7:01pm

Next meeting
Wednesday, February 3, 2021 | 4:30pm-7:00pm
Via Zoom
<https://us02web.zoom.us/join/89667796275>

Join Zoom Meeting

<https://us02web.zoom.us/j/89667796275>
Meeting ID: 896 6779 6275 +1 646 558 8656

Appendix | Conversations within the Chat

From Moira Ryan

I am sorry...Does this mean the public schools are getting ALL of their compensatory services from the GEER fund? and it is not coming out of the budget? does that get monitored to insure it is spent on students and not things like tech?

From Moira Ryan

ok, thank you

From Chris O'Reilly

Still waiting for mine - been 1 year +

From Moira Ryan

Harvard is also advocating for reopening schools. Brookings studies have shown that remote learning is causing too much regression (up to one year). Some schools are talking about remaining closed for the rest of the year.

From Moira Ryan

Sen Cordelli is not doing it but the new appointees are supposed to come out this week. He is a vice chair no time
Can I say something?

From Lisa Beaudoin

Discussion the overarching priority- COVID. SAC is exploring how COVID is impacting students with disabilities How has COVID amplified challenges which existed prior to the pandemic? How is COVID affecting the education of students with disabilities? What have we learned about the status of education for students with disabilities in NH because of COVID? SAC's responsibility is to address the unmet needs of student with disabilities even if it isn't universal across NH

From Kari Grimes

I worry about the students and parents who do not speak out and have been not attending school. I don't know about the state wide trend regarding attendance. I know this is a problem but I think it is a problem without a voice. I have heard many anecdotal stories of students who have been MIA from school and have been very difficult to track down.

From Lisa Beaudoin

great point Kari

From Moira Ryan

For the districts that have been making the info public, absences are HIGH much higher than normal and failing grades are also much higher than normal
It really doesn't have a lot to do with them just not wanting to do anything
Many kids are not able to adapt to remote learning especially if they have executive functioning issues. And some struggle with visual mediums

From Tracy Walbridge

Is there a way to have a subcommittee on dispute resolution (mediations, state complaints?)

From Moira Ryan

Wow. Our school is asking for a 6% increase

From Bonnie Dunham

The subcommittee to work on developing a fact sheet on compensatory services (what, how, questions to ask, et.) is meeting on 1/14 at 7 pm. Who is setting up the zoom link and inviting people to that meeting, (I am very much zoom-illiterate, so it shouldn't be me)

From Lisa Beaudoin

I will

From Maureen Tracey

Hello Everyone, I may not be available for 6:45, but I am highly interested in joining the SAC. Thank you

From Lisa Beaudoin

I wanted to follow up with you regarding our communication yesterday and your concerns. Please know that I did share this with the physicians. They agree that since masks are not mandated this is more of a NH Department of Education concern as well as one within the school/district in which there are concerns.

From Janet Reed

How many schools does this apply to?

Schools are exempt from the mask

There are schools with a decision tree for masks following 504 guidelines

From Moira Ryan

Why don't you provide an accommodation guideline to the districts? Maybe if they got something from SAC they would be interested in helping. Washing hands is EVEN MORE important than the mask especially before eating but they don't mention it anywhere

She was asking Bobbi to come but Bobbi is really stressed tight now

From Tracy Walbridge

Who created the decision tree document?

From Bonnie Dunham

If this is Lewis's second meeting, we need to nominate him. Otherwise, it will need to wait to next