

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

October 7, 2020
4:30pm – 7:00pm

Via Zoom

In Attendance:

Lisa Beaudoin (chair), Bonnie Dunham (Co-Chair), Jill Hartmann, Kevin Cushing, Kari Grimes, Dale Boyle, Tina Greco, Karen Rosenberg, Gregory Magoon, Alicia Ferguson, Maureen Shields, Kerri-Lynn Kimner, Christopher O'Reilly, Janet Reed, Moira Ryan, Senator Jay Kahn, Esther Kennedy

Absent:

Melissa McKeon, Violetta Lortie, Leah Lucier-Pike, Kelly Walker, Susan Rasicot, Mike Pinard, Elizabeth (BeBe) Casey, Meghan Cullinane, Anna Barrows, Sandi Raeuchle, Jason Henry, Thomas Ryan, Senator Jean Dietsch, Representative Tamara Le, Representative Glen Cordelli

Guests:

Rebecca Fredette, Administrator, Bureau of Student Support
Gordon Muench, parent, two children on the spectrum
Tracy Walbridge, parent
Jennifer Blagriff, Parent, two children, dyslexia, interested in SAC in parent role

Welcome, Icebreaker and Introductions

Lisa Beaudoin (chair) began the meeting at 4:38pm. Welcome to the meeting.
SAC members introduced themselves and their role on SAC.

Approval of Minutes

Lisa inquired if SAC could approve the minutes from the SAC Retreat, Part II, or wait until next meeting, as members received a copy of the Minutes today.

Discussion:

On page 2 of the September 16th minutes, SAC agreed to create a committee to work on the Annual Report. There is reference to the committee, Karen volunteered and her name was omitted.

Karen thought that Bonnie and Lisa were going to send the 2019-2020 SAC Annual Report to the sub-committee. Bonnie to make quick changes, waiting on data from the Department, once entered to be sent to the committee.

Kerri-Lynn inquired if the SAC was approving the Minutes from both days or just Part II. Just approving Part II.

Who made the motion to make COVID the overarching priority?
Bonnie made the motion and Maureen seconded.

Jill Hartmann made a motion to approve the September 16th Minutes, seconded by Maureen.
13 approved, 3 abstentions, 0 opposed.

Public Comment

Guest Gordon Muench

- Been fighting with school districts regarding his kids.
- Cannot attend school in person as cannot wear a face covering.
- Rights have been taken away from students due this pandemic.
- Tired of people not knowing what autism is and why can't they wear a facemask, because their disability is not visible.
- This is not the time to turn our backs on those who need assistance the most.
- Need to define those who cannot defend themselves.
- Schools are refusing FAPE and accommodation, violation of law.
- Never asked for anything and have struggled for their children.
- Asking this Board to take a stand for these children, they are getting denied in-school services due to COVID.
- Would like to see clear guidance to protect the children.
- Was informed that the State cannot do anything until talk at the local level. Is currently appealing to the school board, if they lose can appeal to the State.
- Son was given the opportunity for remote learning, as he cannot wear a mask. During remote learning noticed many student did not have their masks on completely, were below their chins, and not six feet apart.
- Hands on training is not practical, going to job sites. Son signed in for class via Zoom and was advised there would not be a Zoom as at a job site, son was cut off from the class.
- Reasonable accommodations can be made, however, not being provided for his son.
- This is his senior year, and he is ready to drop out of school.
- Still goes to work without a mask, accommodations provided at work.

Bureau update from Rebecca Fredette

The Bureau continues to work with the schools with difficulties they may be having. Bridget Pare is talking and working with families.

Finalizing special education aid.

Interviewing for a vacant Education Consultant position.

Working with the Commissioner on compensatory funds.

Any questions for Becky

Question

Compensatory education qualifications. Is the Department working on keeping track of meetings?

Answer

There is no language in the Executive Order, nor was there guidance in providing guidance to let us know they have done that.

Comments

To provide a FAPE via compensatory education. These meetings are held at the school districts, have the authority at the Department to oversee these requirements are met.

Very few children are being found to need compensatory education; many families Bonnie has spoken with their student(s) need compensatory services; however, meetings are not being held.

There is confusion with educators and parent on compensatory services. Perhaps, a survey from Department, did you have a meeting to see if you child needs compensatory services?

Compensatory services are being scheduled for fifteen minutes, not enough time. Do not need compensatory services if they are well, being giving COVID points to give a passing grade, even though did not pass exams.

Families for students have not received services for over six (6) months, schools are not working to get related services in a place/location for students with a significant disability.

Students with significant disabilities have been totally being left behind and are be denied compensatory services.

Becky is capturing, has heard, but not all to the extent that SAC has heard from the field. Thank you for sharing and will share with the Commissioner and Bridget.

Most schools are working to provide services, concerned about the wrong message getting out. Kids need compensatory services and needs to be followed by the true spirit, students with significant disabilities over six (6) months without services, could take years and years to catch up.

Agreed, there are some students getting services to meet their needs; work with 30 school districts. Created a form/ rubric and some districts are doing well. A practically for some students whose needs are not being met.

Legislative Update & Report for Joint Meeting of the House Education Committee and Senator Education Workforce Development

Bonnie and Legislators

Senator Kahn advised the SAC how the Joint Meeting went.

A Joint Meeting was held today with a variety of education associations, to provide professional leaders an opportunity to inform the Senate Education and House Education Committees with presentation. Not a public meeting and no public comment.

Participants were invited in July, thought was Commissioner could join them, however was unable. Packets sent out and shared with all legislators. Senator Kahn will provide a copy of this packet with SAC.

Walked away with some impressions:

- Concerns if there are penalties to the Executive Orders
- No data collection as wasn't requested
- There wasn't any testimony and didn't ask the Department for data
- Different fiscal issues for school districts in providing services
- Access for all students
- Multiple concerns about funding
- Concerns that as a State the CARES Act has not provided money to our schools

Question

Why FEMA money is not being allowed to go to schools. Schools were expecting funding and anticipated additional funding.

What was the decision why the money is not going to the schools?

Senator Kahn

44 million dollars from Title I was distributed to the school districts and can be expended through the end of August. CARES Act through December 30th of this year.

FEMA, where did the guidance come from that school districts were going to get these funds and notification that funds were not coming? Expectation for these funds, where did this come from?

What is the total amount of unexpected expense, no one has asked for that data. Many schools could be collecting and waiting to be asked for the data.

Comments

Another concern at the school district level is on the supplies. Reimbursement has been delayed as the supplies; Chromebooks, PPEs, etc. have not been received, as the supply chain is weak.

Possibility of cooperative purchasing, a greater leverage for quantity and pricing. Bulk orders.

We know it is expensive to provide these devices. Much more expensive not to educate these students.

Question

Will you have another meeting where the Commissioner can attend and get the parent's perspective? Hope this opportunity presents itself. Parent perspective when not present is a missing piece when not at the table.

Senator Kahn

No, another meeting is not being held, when asked today about having another meeting no one indicated they were interested in having one. With elections coming up, some terms could be ending within four weeks after the election. Do not see that these committees will meet during this period.

This meeting was not that kind of meeting. Hope anyone who has that kind of concern; reach out to their legislators, if not given the opportunity to share with school districts. Voice best hear.

Any other Legislative Updates?

Bonnie

Distributed to SAC her latest Legislative Update of Bills Impacting Special Education and/or Children with Disabilities via e-mail last week.

There are new LSRs, which are a little confusing as many of them were rolled into one, six (6) bills together.

Age 21 has stayed the same.

Discussion the overarching priority- COVID. SAC will explore 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? Speakers? Data?

Esther - Gilford is doing a great job, doing sports and children are wearing masks and are grateful that they are in schools, less discipline issues, quieter in the schools, using Plexiglas. Moving forward and seeing a lot of successes and all children happy to be here.

Janet - fourth week with students all are wearing masks, taking mask breaks. Upcoming holidays is an issue with families and perspective traveling, not wearing a mask.

Students are thrilled to be back and they are happy. A lot less issues and are enjoying interacting with each other.

Concerns with traveling out of New England over the holidays, students/staff will need to quarantine for two weeks. Possibility of not having staff due to the two-week quarantine.

Is there a possibility of opening New York, as has done other New England States, as many families travel to New York. The opening of States is driven by evidence and review by the State's Health and Human Services.

Some districts are taking a break from Thanksgiving through MLK day; Senator Kahn thought was colleges in the State.

Janet - has tossed around at RSEC to take a break the Monday after Thanksgiving through two weeks after Christmas.

Kerri-Lynn - has a survey been sent out to parents for holiday travel plans?

Successes for return to school

- Strategy – trying to provide enough predictably, kids are craving normal.
- Working on social/emotional issues and how have they been impacted by this.
- Had students in the schools week by week prior to the beginning of school, K-12 had a chance to understand what the changes would be.
- Gilford is fully in-person five days a week. 18% remote by parent's choice.
- All remote districts, invite students for in-services, when students come in once or twice a week, and haven't been in since February, emotional for the students, really miss school, when they leave ask to come back.
- Not a lot of districts in-person, hybrid schools. Would like to hear from parents what is working and what isn't with hybrid schools.
- Recommend a particular district to hear from – Lisa/Karen, recommend Manchester. Lisa will reach out to Manchester.
- There is a variety of hybrid schedules. Believe the North Country is all in-person.
- What do we want to talk to school districts about in the time of COVID?
- Highlight some of the particular challenges and masks wearing requirements for students with autism, etc. Many students wearing a mask in problematic.
- Disciplinary issues with kids wearing masks, isolated in a room until they learn to wear a mask. Mask fatigue sets in.
- In Gilford, have two (2) families who don't want their students in the in-school population as the students are autistic, this puts a burden on the district to ensure these students are getting supports.

Review draft of 202 SAC Report

Cannot address the SAC Report. Did anyone have a chance to review the Report this afternoon and would like to comment?

The DOE data will be inserted into the Report, then sent to the subcommittee to review.

Transparency of Data – Does SAC want to request the NHDOE to resume publicly posting the results data of the State Performance Plan & request an explanation for its public removal?

- Results indicated in the district determinations.
- Individual districts information is difficult to locate on the website.
- Does the Bureau have a spreadsheet – comparison? Becky will check with Joanne, as she sends out determinations to the districts.
- Results can be located on iPlatform – under IDEA Report
 - Includes all Indicators the Bureau collects data on
 - Bureau data is incorporated into DOE data
 - iPlatform | iReport | type school/district name or use the drop down to locate district
 - IDEA Report will show the State rate and the State target
- The data is limited to two (2) years on the website, if additional year's data are needed, for comparison, the Bureau has this information.

Lisa would like a little descriptor on the NHDOE front web page on how to locate this information. Becky will request to add to State Performance Plan page how to access the iPlatform page.

Karen is looking for Due Process decisions, the last one posted was June 2019; Becky will check with Bridget on the status of posting the Due Process decisions.

Parent Survey, would like to have an opt-in link for parents to participate in the parent involvement survey. Parents need to reach out to their district to be added to the list.

Nominations, Old Business, New Business, Announcements, Comments

Nominations

Tracy Walbridge, a parent and has attended two SAC Meeting and is interested in becoming a member of SAC in the role of Parent.

Tracy lives in Rochester, has three children, middle daughter is living with a disability. Tracy has worked with families around special education with PIC, NAMI and Family Voices. Her daughter has graduated and Tracy has time to participate in SAC.

Maureen made a motion to nominate Tracy to SAC, Kevin seconded. All in favor to put her name forward to the Governor.

New Business

Under new business we can take up Gordon's comments?

Can the SAC urge the Commissioner for clear guidelines and accommodations around school mask mandates?

SAC to look at the DHHS guidelines as well as the school's toolkit, reasonable accommodations for use of masks.

There are guidelines out there. Questions around the guidance would be DHHS.

Need additional information from healthcare.

A subcommittee was formed to review guidelines:

- Lisa
- Karen
- Maureen Shields
- Kevin Cushing
- Gordon (as not a member of SAC, will look at bylaws)
 - (Bonnie, can invite to share information)
- DOE liaison -Sheryl Nielsen

Lisa set a date of October 14th at 4:30pm for the subcommittee to meet and review to put into recommendations for the next SAC meeting.

Lisa will send out a Zoom link. Becky, can you invite someone from DHHS, Dr. Chan's staff people to represent his office. Becky will put through the Commissioner's office for the request. Perhaps the person Becky has worked with from DHHS. Karen will reach out to Bobbi Bagley, she works for the city of Nashua.

Additional new business?

Kevin - is it possible for the documentation for the SAC meetings be provided three to four days ahead of the meeting? Would like the documentation to have the weekend for review and to be more informed prior to the meeting.

Lisa – I am working to get all SAC documentation out on a Friday, hear you and will do better.

Announcements

Lisa

October 13th | the first Gubernatorial Town Hall on Disability Issues, via Zoom with Governor Chris Sununu and Senator Dan Feltes.

Five questions have been provided to the candidates by the five partnering organizations, ABLE NH, Disability Rights Center, Institute on Disability, NH Council on Developmental Disabilities and Granite State Independent Living.

After the candidates address the five questions, Scott Spradley will be opening up with questions sent in advance of the forum.

Link to register, please share with your people, clients and staff
<https://ablenh.wildapricot.org/event-4006348>

Lisa

The next SAC meeting is November 4th. You will be receiving a Zoom link for use to access the SAC meetings.

Public Comment

Jennifer Blagriff

Thank you and very interested in joining the SAC.

Received a form from her child's school district for compensatory education meetings, her son did a good job. She then received another form for a special review, same information as the previous form, with additional information, however not place for the parent to sign or respond.

Will sent the language to Lisa.

Janet motion to end the meeting, Kerry Lynn seconded
Meeting adjourned at 6:55pm

Next meeting

Wednesday, November 5, 2020 | 4:30pm-7:00pm

Via Zoom

<https://us02web.zoom.us/join/89667796275>
<https://us02web.zoom.us/j/89667796275>

Join Zoom Meeting

<https://us02web.zoom.us/j/89667796275>

Meeting ID: 896 6779 6275 +1 646 558 8656

Notes from the Chat Box

Maureen Shields

PIC Has a Transition/healthcare webinar 10/15 check out web site for registration. Pinch.org

Tina Greco

NH Transition Community of Practice Summit is online this year: Nov 16:

<http://events.r20.constantcontact.com/register/event?oeidk=a07egyqxqfo31577374&llr=xbohlkcab>

Gordon

Thanks to all for the invite tonight, doing a good job and pleased going to have the sub-committee. There are other students who have sensory disorders that cannot use a mask. Plenty of families out there who are not getting services,

Kudos to Mrs. Kennedy for providing accommodations. COVID points are unacceptable.

Moira Ryan

I did volunteer and still willing to be on the subcommittee

Tracy Walbridge

Question: What does local control really mean?

Lisa Beaudoin

Clear guidelines from the NH DOE, clear reasonable accommodations; find creative ways to meet individualized needs.

Lisa Beaudoin

Ask the commissioner to issue a guidance on how to deal with students with disabilities who can't use masks.

Bonnie Dunham

WE COULD ADD TO NEW BUSINESS

Karen Rosenberg

There is some guidance from the US DOE and CDC about this. It's not as clear as would be optimal, but some additional guidance on the ADA's reasonable accommodation requirement from the Commissioner would be helpful.

Lisa Beaudoin

ABLE NH monitors a number of parent forums in districts across NH, dozens upon dozens of parents report that their students have received no related services for months. ABLE NH has heard from several families.

Maureen Shields

Parents also do not have an option to dispute the decision made about Comp Ed. Can there be put in place a formal way to disagree with Comp Ed decision? WPN and a Response to Special Ed Proposal

Lisa Beaudoin

Excellent point and question, Maureen

Karen Rosenberg

The decision should be put into a WPN. This is required by NH Rules.

Maureen Shields
Not happening everywhere unfortunately

Lisa Beaudoin
No data collection on comp ed services

Janet Reed
Along with staffing challenges. As in a lack of staff

Bonnie Dunham
I took 10 pages of notes and many important issues were raised

Lisa Beaudoin
School districts have not been asked to provide the data on the unexpected costs related to COVID

Janet Reed
I ordered Chromebooks back in early June and they are not anticipated in until Dec/Jan.
Fortunately they are back ups

Lisa Beaudoin
Matters about funding; matters about data; matters about cooperative purchasing

Karen Rosenberg
Schools are required to provide a FAPE to all children. Although many students with disabilities may have received a FAPE (generally implementation of their IEPs) despite school closures/remote learning, other students with disabilities did not receive their services or benefit from remote services. Since the right to a FAPE has not been modified, schools must do what's necessary to make up for this. US DOE is calling this compensatory services. Perhaps this is an unfortunate term, but regardless of what you call it -- when a school district has not provided the student with a FAPE, the district must provide additional services to make up for this. And, since the State Department of Education (DOE) bears the ultimate responsibility for ensuring children with disabilities receive a FAPE, it is incumbent on the DOE to monitor school districts' compliance with this obligation and exercise supervisory authority, when necessary.

Bonnie Dunham
Can SAC collect some information and provide it to the House & Senate committees to be added to what you received from the participants at today's meeting.
Would it be better to ask to talk to the committee after the election? My only concern is that people aren't usually assigned to committees for a while.

Jill Hartmann
I need to go...Have a great night!

Bonnie Dunham
It was Lisa Witte from the Monadnock region who said that she knew of several districts in her area who are planning to go remote from Thanksgiving to MLK day.

Maureen Shields

Parents who are remote have appreciated the ability to have just services 1:1 in school but the families who have students who are remote due to medical issues are really struggling with no in home para support or services.

Tina Greco
How about the North Country.

Bonnie Dunham
North Country would be good to hear from

Tina Greco
Unfortunately, I do not know of any in particular.

Moiria Ryan
What about Exeter, Londonderry, Nashua?
COnVal?

chrisjoreilly@gmail.com
SW corner of NH, Keene?

Kari Grimes
I'll offer Exeter School District

Bonnie Dunham
A small town would have unique needs

Moiria Ryan
What about Rochester?

Bonnie Dunham
Hearing from Rochester is the best idea ever

Moiria Ryan
Okay that's a big one

Karen Rosenberg
I'd like to hear from Rochester too.

Rebecca Fredette
Rochester is listed as full in person currently.

Bonnie Dunham
The compensatory services issue seems to be a significant one that impacts the education of children with disabilities.

Jay Kahn
Good to see and hear from you. Take care.

Moiria Ryan
Second what Bonnie said

Bonnie Dunham

Finland schools do lots of outside learning all year round and it is really cold there. I wonder how long into the winter we could continue some outdoor learning opportunities here.

Moira Ryan

With SPP, is there any breakdown of type of diploma whether modified, regular hs, certificate of participation, etc? How do you distinguish between all the different types?
Becky will check to see if tracked

Moira Ryan

So would that be a motion to request the ed commissioner address the mask issue? or would that be a tech advisory?

Bonnie Dunham

Yes

Rebecca Fredette

This page on our website has a lot of the information you are mentioning:
<https://www.education.nh.gov/who-we-are/commissioner/covid-19>

Moira Ryan

There are public health nurses who could help
That's who i was going to suggest
Bobbi Bagley is a public health nurse

Maureen Shields

PIC Has a Transition/healthcare webinar 10/15 check out web site for registration. Pinch.org

Tina Greco

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Karen Rosenberg

I just sent a message to Bobbie Bagley, RN, Public Health for City of Nashua. I'll let you know her response. Fingers crossed.

Janet Reed

The name is Sheryl Nielsen

Tracy Walbridge

Does either candidate have a disability/mental health plan if elected