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State Advisory Council Meeting for Children and Youth with Disabilities

Embassy Suites, North
indianapolis, Indiana
April 16, 1999

Members in Attendance: Bob Marra, Mary Ramos, Elaine Scaife, Brett Bollinger, Carolyn Heir, Maureen Greer (a.m. only), Jeanine Calabria, Kathy Wodicka, Ed Kasamis, Marcia Johnson, Rose Black, Julie Swaim, and Cathlene Hardy-Hansen.

Members Absent: Liam Grimley, Jackie Pitman, Deborah Winchester, and David Schmidt.

Division Staff in Attendance: Michael Dalrymple, Sharon Knoth, Becky Bowman, Sally Cook, Sheron Cochran, Cindy Conway, and Lynn Holdheide (p.m. only).

The meeting was called to order at 9:20 a.m. The Chair of the Council, K. Wodicka, welcomed everyone and had the interpreters Catherine Huston and Tony Myers introduce themselves.

Previous Meeting's Minutes
The minutes from the previous meeting were discussed. Two (2) corrections were made. E. Kasamis moved that we approve the minutes as amended. Seconded by M. Greer. Motion carried.

Article 7 Revision
B. Marra gave the Council an overview of the time line for revision of Article 7.

Proposed Time line for Article 7 Revision
April 16, 1999
State Advisory Council meeting

April 22, 1999 Division Article 7 DRAFTing Committee

May 5, 1999 State Board of Education meeting

May 21, 1999 State Advisory Council meeting

May 27, 1999 Division Article 7 DRAFTing Committee

June 9, 1999 State Board of Education meeting

June 11, 1999 Distribution of DRAFT for Public Comment

August 4, 1999 State Board of Education meeting

September or October 1999 State Board of Education sets locations and dates for public hearings.

September 1999 State Advisory Council meeting

He indicated that discipline is not on the agenda as he believes it best that we mirror the federal language. He provided the Council with an overview of the entire process - including comments from the public and the public hearings. At the farthest time frame he would see the Governor signing this into law in July of 2000. We may need an August 1999 Advisory Council meeting, though this can be decided later. R. Black moved that the Council accept the time lines as proposed by Bob. Seconded by M. Johnson. Motion carried.

Developmental Delay
S. Cochran presented to the Council on this topic, sharing some background on the comments and feedback from the White Paper which had been distributed last year. A recommended definition of developmental delay (DD) for students ages 3 - 8 was discussed. These comments resulted in what is basically a 2-phased proposal with the initial revision of Article 7 having DD apply only to ages 3-5, and perhaps later expanding it to age 8. A discussion of the current numbers of early childhood students (as per the December 1 1999 ChildCount) and the potential fiscal impact of a DD definition ensued. A discussion of continuing to age 6 also ensued (to prevent the DD category from "cutting off" at Kindergarten). A "gradual increase in age levels" was also discussed.

The DRAFT reads as follows:
Developmental delay is used only as an eligibility category for all children who are 3 and 4 years old and children who are 5 and not eligible for kindergarten who are experiencing a significant delay in one or more of the areas of physical, cognitive, communication, social-emotional, or adaptive development and are in need of special education and related services.
Eligibility for developmental delay is determined by a multidisciplinary team from at least two disciplines qualified in the area of suspected disability, and including the parent of the child.
In determining eligibility for early childhood special education, the multidisciplinary team may use the disability category of "developmental delay" or any one of the other disability categories in Article 7.
A child may be identified as having a developmental delay when delays in development significantly challenge the child in one or more of the following five (5) developmental areas:
1. Receptive or expressive language;
2. Cognitive abilities;
3. Gross and fine motor functioning;
4. Social or emotional development; and,
5. Self help/adaptive function.
6. Developmental delay is defined as 2 standard deviations below the mean in one area of development or 1.5 standard deviations below the mean in two or more areas of development.
7. Documentation of developmental delays and their detrimental effect upon the child's daily life shall be based upon qualitative and quantitative measures including all of the following:

8. A developmental and basic health history, including results from vision and hearing screening and other pertinent information from parents and, if applicable, other care givers or service providers.
9. Observation of the child in his or her daily living environment such as the child's home, with a parent or care giver, or an early education or care setting which includes peers who are typically developing. If observation in the daily routine setting is not possible, the alternate setting must be justified.
10. *Results from norm-referenced instruments shall be used to document measurable delay between expected level of development and current level of functioning. Where specific tests results obtained from any evaluation do not appear to the multidisciplinary team to accurately reflect a student's performance because of the severity of the delay or significant adaptation required to perform on the standardized test instrument, the multidisciplinary team shall apply professional judgement to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility.*

The Council approved of the proposed draft excluding the age for which it would apply. B. Marra indicated that the Division would look at the possibility of expanding the age to 6 (through kindergarten) and the potential fiscal impact and come back to the Council. J. Swaim shared a document entitled: America Reads Challenge - Read, Write, Now! Free by calling 1800-USA LEARN.

Age of Majority
B. Bowman provided the Council an overview of the issues surrounding Age of Majority (AoM). There are three (3) ways to look at this:
What we Currently Have - Concurrent Rights (although the Federal government is verbally stating we can't do it);
Transfer the Rights Completely Over to the Student at Age 18; or,
Keeping the Rights with the Parent through 21.
On page 12453 of the Federal Regulations at §300.517 - you will find the language from the IDEA regulations. M. Greer moved that the Council accept option #2 when writing the proposed language for Article 7 (that the educational rights of the student will transfer to him or her at the age of 18). Seconded by J. Swaim. In favor 9. Opposed 3. Motion carried.

Age Range
B. Marra asked the Council to look at page 54 of Article 7 - Rule 13 §2 and §3. Currently there is a 60-month (elementary) and 84-month (secondary) span of age for special education classes. He is proposing that we remove the specific months and speak more to what is or is not appropriate. A discussion of whether there is a financial incentive to move toward this and to which classes this would apply ensued. If we write the language to speak to chronological age-appropriate settings it would prohibit schools from placing high-school aged students in an elementary school or vice versa. E. Kasamis moved that the Division develop language which speaks to chronological age-appropriate settings for 511 IAC 7-13-2 and 7-13-3. Seconded by M. Johnson. Motion carried.

The Council took a break for lunch.

Case Conference Committee Participation
B. Marra referred the Council to page 44 of Article 7 and page 12440 of the Federal Register §300.344. We are looking at the language which speaks to the role/responsibility of the representative of the public agency - especially the terms "provide" and "supervise the provision of" special education. M. Johnson moved that the Division investigate developing language for Article 7 which provides more flexibility in the case conference committee membership. Seconded by B. Bollinger. Motion carried.

Caseload (Class size)
B. Marra referred the Council to pages 53 and 54 of Article 7 - (e), (f) and (g) of the early childhood language. If full day kindergarten is passed by the General Assembly, this may have an impact on whatever we decide here. A discussion of class size/caseload for early childhood ensued. He would like to see the actual numbers removed from this section and have this look more like the other age and disability areas where it is a case-by-case decision regarding placement and intensity of services. The language would speak more to natural settings than to mandated hours and class sizes. E. Kasamis moved that the Division develop language which speaks to the aforementioned proposed changes at (e), (f), and (g) for early childhood and bring that language to the Council for the Council to review. Seconded by C. Heir. Motion carried.

Comprehensive System of Personnel Development (CSPD)
B. Marra asked the Council to look at page 13 of Article 7 - Rule 5 §3. The prescriptive "membership" of the local level comprehensive system of personnel development (CSPD) committee tends to restrict some activities and partnerships from occurring. He would rather have the language speak to building-based committees which look at training for everyone in that building - regardless of which "pot of money" is going to be used. This basically builds on the Governor's proposed building accountability plan. A discussion of how the funds would "get down to the building level" ensued. J. Calabria moved that the Division develop language which permits each building to implement a CSPD committee. Seconded by E. Kasamis. Motion carried.

Transition
L. Holdheide spoke to the Council about the proposed language for transition. At age 14 the Federal language requires there to be a statement regarding the student's transition planning needs. At age 16 the Federal language speaks to the requirement to develop a plan which delineates a coordinated, sequential set of activities for transition. The average "wait" on the waiting list is five years. For Bureau of Developmental Disabilities Services you can sign up at age 14, Vocational Rehabilitation will not "take" the name for services until age 16. The clause which required the case conference committee to justify why a service is not needed has been removed from the Federal language. The Federal Language is at page 12442 §300.347 - middle column of the page (the definition is at §300.29 on page 12425). B. Bollinger moved for the Division to develop language which speaks to the need for "full blown" transition planning services beginning no later the annual case review prior to the student entering high school. Seconded by R. Black. A discussion ensued that the language must speak to the need for post-school outcomes including college education. C. Heir asked about incarcerated youth. We will need to speak to the training required the year before the transfer of rights at the age of majority as well. Motion carried.

General Education Intervention
B. Marra asked the Council to look at page 28 of Article 7 - General Education Intervention. A discussion of how General Education Intervention (GEI) ensued. He would like to eliminate the prescriptiveness of this part of the rule - yet retain the requirement that there be a process such as this in existence at the local building level. E. Kasamis requested the Division to keep the concept of this mandate, but remove the prescriptiveness of the GEI requirements. Each building or district would have to come up with their own procedures and timelines to comply with this. A concern was discussed regarding the lack of a required timeline and lack of reporting to the parent. The parent always has the right to request the full-blown educational evaluation. M. Johnson moved that the Division investigate amending the language to make GEI less prescriptive yet still a requirement for districts. Seconded by J. Swaim. Motion carried.

Other Business
J. Swaim asked about the funding levels of severe and mild and how the Division might make amendments to this as well as how to avoid incidents like the proposed removal of students with severe disabilities from ISTEP+. A discussion ensued. A discussion of the invitation of a mental health representative to case conferences where a student may be found to be a student with an emotional handicap ensued. This language will need to be cleaned up in the revised Article 7.

The Division will make every attempt to get the proposed language to the Council prior to the next meeting. Our next meeting is May 21, 1999. August 27 will be a tentative date for another Council.

C. Heir moved that the meeting be adjourned. Seconded by E. Scaife. Meeting adjourned at 2:40 p.m.