

**APPROVED  
MINUTES  
INDIANA STATE ADVISORY COUNCIL ON THE EDUCATION  
OF CHILDREN WITH DISABILITIES  
(SAC)**

**March 6, 2009  
Carmel Clay Educational Service Center  
Carmel, IN**

**Advisory council members present:**

R. Burden, D. Downer, C. Endres, K. Farrell, D. Geeslin, C. H. Hansen, R. Kirby, B. Kirk, B. Lewis, J. Nally, D. Schmidt, J. Swiss, S. Tilden,

**Advisory council members not present:**

K. Calita, B. Henson, J. Hammond, M. Johnson, L. Kovacs, K. Mears, M. Ramos, T. Wyatt

**Indiana Department of Education Staff Present:**

S. Knoth, B. Reynolds, Tara Rinehart

**Visitors:**

Marilynn Edwards (Indiana State Teachers Association), Margaret Jones (Parent/Attorney), Cindy Lawrence (Outreach Deaf/Hard of Hearing Indiana School for the Deaf)

**Meeting:**

D. Schmidt opened the meeting at 9:12 a.m.

**Minutes from November 7, 2008**

R. Burden motioned to accept the minutes as written. K. Farrell seconded.

Minutes were approved by a unanimous vote.

**Overview of restructure of Indiana Department of Education**

- Dr. Tony Bennett, Superintendent of Public Instruction; Todd Huston, Chief of Staff; Maureen Weber, Chief Operating Officer; Lance Rhodes,

Chief Financial Officer; Ann Brinson, Chief Information Officer; Wes Bruce Chief Assessment Officer; Dr. Bob Marra, Assistant Superintendent for Student Learning; Dr. Richard Hogue, Assistant Superintendent for Support Services.

- S. Knoth is the acting director of the area of special education/student learners.
- B. Bowman is the assistant director for legal services.
- Nancy Zemaitis over the development and coordination of the One Plan concept, as well as, Kylee Bassett.

**Action:** Becky Reynolds will distribute contact list and manning table to the SAC when available.

### **Part B Application review and approval**

The Part B application is on CD provided to SAC and available for comment. IDOE is required to distribute this document to the SAC.

**Action:** Any comments to the Part B application, please forward to Sharon Knoth.

### **Amendments to Article 7**

- New rule procedures were discussed. CEL no longer has an in house attorney to attend the SAC meetings. Legal staff is available for consultation but, not available to attend meetings outside of the office.

### **511 IAC 7-42-15: Revocation of consent for special education and related services.**

K. Farrell motioned to accept the language 511 IAC 7-42-15. B. Lewis seconded.

Discussion:

- The language at 511 7-42-15(i) should be copied and placed at 511 IAC 7-32-92.
- Federal law says that if a revocation of consent is requested then all services will be removed and any related services will be removed. You cannot pick and choose special education and related services.
- Referencing (h), the public agency could not go through IDOE for services but, may be able to go through other venues for mediation or due process.
- If the school feels mediation may help can they persuade the parent to ask for mediation? See 511 IAC 7-42-15(d).
- When the school is providing the 10 day notice, are the procedural safeguards delivered to the family? Should reference to 511 IAC 7-37-1(d) appear in this amendment as in other areas in Article 7?

- After revocation can the parent request a Section 504 IEP?

J. Nally called for vote.

Unanimous vote to accept language as written.

### **511 IAC 7-32-92 – Student with disability defined.**

S. Tilden motioned to accept language as written at 511 IAC 7-32-92. J. Nally seconded.

Discussion: FAPE has to be provided it is all or nothing you cannot pick and choose services.

R. Burden motioned to amend the language at 511 IAC 7-32-92(c) to blend the language 511 IAC 7-42-15(i). J. Swiss seconded.

Unanimous vote to accept language as written with amendment at 511 IAC 7-32-92(c).

### **511 IAC 7-38-2 Procedures for amending educational records**

J. Swiss motioned to accept the language as written at 511 7-38-2. C. H. Hanson seconded.

Unanimous vote to accept language as written.

### **511 IAC 7-40-3 Educational evaluations; in general**

511 IAC 7-40-3(g) to add subdivision (3)

K. Farrell motioned to accept language as written at 511 IAC 7-40-3(g). J. Swiss seconded.

Discussion: If revocation was made, can the parent ask for another re-evaluation? S. Knoth said that you may ask for another re-evaluation.

Unanimous vote to accept language as written.

### **511 IAC 7-40-4 Initial educational evaluation: public agency written notice and parental consent**

K. Farrell motioned to accept the language as written at 511 IAC 7-40-4. R. Burden seconded.

Unanimous vote to accept language as written.

**511 IAC 7-42-8 Individualized education programs; implementation; termination due to revocation of consent**

**Amend to add subsection (h)**

J. Swiss motioned to accept language as written at 511 IAC 7-42-8(h). D. Geeslin seconded.

R. Kirby motioned to strike the word “has” at (h). C. Endres seconded.

Unanimous vote to accept language with amendment to strike the work “has” at 511 IAC 7-42-8(h).

**511 IAC 7-44-9 Protections for students not yet eligible for special education and related services**

**Amend (c) to add subdivision (4)**

K. Farrell motioned to accept language written at 511 IAC 7-44-9(c)(4). R. Kirby seconded.

Unanimous vote to accept language as written.

**511 IAC 7-45-7 Conduction the hearing.**

**Amend 511 IAC 7-45-7(d) (1)**

Refer to Federal Register at 300.512(a)(1).

D. Geeslin motioned to accept language as written. J. Swiss seconded.

Discussion: I.C. § 4-21.5-3-15. IDOE is trying to move due process to a more procedural piece and not a legal piece. Second piece is that a parent can represent themselves at a case conference.

Unanimous vote to accept language as written.

**Business**

**Council Appointments**

- Appointing someone to the council with legal background.
- Other options for future appointments were discussed.
- Requirements for the council were discussed.

**Action:** Interested parties may send their resume to B. Reynolds at [breybold@doe.in.gov](mailto:breybold@doe.in.gov).

### **Transition**

- N. Zemaitis provided documents on intervention and how the monitoring process will take place.
- IDOE is looking at Wisconsin's model and hope to come to you at the next meeting and provide data. The model that currently stands for the future will include other areas of IDOE.
- Currently there are 10 on site verification visits scheduled. The information provided is part of the IDOE actions to improve our status with U.S. DOE.
- The goal for SAC is to add additional members to the SAC who are parents of children with special needs or have persons with a disability.

**Action:** SAC to review the documents and offer suggestions.

S. Knoth explained the future of the One Plan and monitoring procedures.

Next Meeting of the State Advisory Council is May 8, 2009.

All meetings will begin at 9:00 a.m. and will be held at the Carmel Clay Education Service Center, 5201 East 131<sup>st</sup> Street, Carmel, IN 46033

**Adjourn:** Meeting adjourned at 12:00 p.m.