

Indiana State Advisory Council
on the Education of Children with Disabilities (SAC)

PENDING APPROVAL

November 5, 2010

H. Dean Evans Community and Education Center
8550 Woodfield Crossing Blvd.
Indianapolis, IN, 46240

Advisory council members present:

Shirley Amond, Indiana School for the Blind and Visually Impaired
Rich Burden, Director, IN*SOURCE
Dawn Downer, Director, First Steps
Dr. Karol Farrell, SAC Chairperson, Director of Special Education, MSD of Washington Twp.
James Hammond, President, Indiana Association of Rehabilitation Facilities, Inc.
Jan Huffman, Parent Representative
Marcia Johnson, Principal, Indianapolis Public Schools
Becky Kirk, Parent Representative
Lisa Kovacs, Program Coordinator, Guide by Your Side
Dr. J. Bret Lewis, Superintendent, South Montgomery Community School Corporation
Kathy Mears, Assistant Superintendent, Archdiocese of Indianapolis
John Nally, Director, Indiana Department of Correction
Jenny Ridaio, Indiana Department of Health
Dr. Jane Swiss, Dean, University of St. Francis School of Professional Studies
Kristi Tesmer, Parent Representative

Advisory council members not present:

Christina Endres
Dr. David Geeslin
Cathlene Hardy Hansen
Julie Havill
Bessie Henson
Thelma Wyatt

IDOE Personnel Present:

Ryan Brown, Office of Special Education
Anne Davis, Director, Office of Special Education
Cheryl Hartman, Office of Special Education
Nicole Norvell, Office of Special Education
Jennifer Thompson, Office of Special Education

Meeting:

Welcome:

K. Farrell called the meeting to order at 9:14 a.m. and called for present Council members to introduce themselves.

Announcements:

K. Farrell stated that Anne would be sharing her presentation from ICASE during the meeting.

Approval of the Minutes from the Meeting on August 13, 2010:

The meeting was called for readjournment at 10:10 with a quorum present.

D. Downer asked that "Dr." be removed from her name in the minutes, no further changes were requested.

ACTION:

K. Farrell asked for a motion to approve the minutes with amendments, K. Mears motioned to approve the minutes, M. Johnson seconded. Motion carried.

Approval of the Minutes from the Meeting on September 17, 2010:

D. Downer asked that "Dr." be removed from her name in the minutes, no further changes were requested.

ACTION:

K. Farrell asked for a motion to approve the minutes with amendments, R. Burden motioned to approve the minutes, K. Mears seconded. Motion carried.

Approval of the SAC By-Laws:

K. Farrell began the discussion of the approval of the SAC By-laws as amended with necessary changes by asking R. Brown to explain the changes.

R. Brown said that the approved By-laws were changed in order to designate the Chairperson of the SAC as the individual that schedules the time and place of SAC meetings, rather than by majority vote of the Council. The change was made in order to align the SAC By-laws to the SAC's statutory provisions.

B. Kirk asked about the wording of the attendance requirement in the by-laws, and if a substitute or proxy counted, as there might be extenuating circumstances preventing a member from attending.

J. Hammond stated that statutory designees may serve on numerous councils and that legitimate excuses for absences should be accepted.

K. Farrell stated that substitutes could sit on the Council on behalf of a voting member but not vote.

K. Mears stated that she did not miss a meeting for 5 years but then had to miss two meetings for unavoidable reasons.

B. Kirk stated that the IDOE should look at the overall track record of a voting member's SAC attendance prior to removal from the Council.

D. Downer suggested the Council add to the By-Laws the provisions that the Chairperson may recommend replacement due to failure to attend, but no member is automatically replaced.

S. Amond inquired as to the purpose of the attendance provision.

K. Farrell explained that the purpose was to promote membership attendance so that a quorum is present at each meeting.

D. Downer suggested removing the term recommendation from the by-laws and having the Chairperson report on the SAC attendance but make no recommendations for removal.

A. Davis mentioned that she would not want the IDOE to be forced to define "excused absence" if a voting member misses a SAC meeting.

K. Farrell suggested that the Chairperson shall report to the Superintendent solely on the membership status of the overall council.

M. Johnson stated that it would be helpful to establish meeting dates for the entire year in advance and never on the same days as scheduled statewide data collection periods.

R. Burden mentioned the problem may not be fixable. There can be good excuses to miss meetings but that does not change the fact that the seat is vacant. He suggested that reporting attendance without condemning or condoning absences was the best solution.

B. Kirk stated she thought it disrespectful to not honor the commitments individuals have made in the past.

S. Amond suggested adding a comment about failure to actively participate in the Council will be noted.

A. Davis stated, in summation, that the SAC needs to be able to conduct business and is not looking to remove members. If individuals are not participating, then constituents are not represented.

K. Tesmer stated that there are also some agencies identified for participation in the SAC by the statute and are not participating.

B. Lewis asked if the document would need to be returned to the IDOE's legal counsel for review if amendments are made. R. Brown answered that they did not.

ACTION:

K. Farrell moved for a motion to add the words, "The members of the council are expected to attend scheduled meetings during the calendar year. Failure to attend at least 50% of the meetings will be reported to the IDOE and may result in a recommendation to the Superintendent of Public Instruction to consider replacement," to the by-laws.

B. Lewis made a motion for the by-laws to be approved as amended, J. Nally seconded. Motion carried.

IDOE Special Education Director's Update:

A. Davis delivered her ICASE presentation on updates from Special Education to the SAC.

IDOE Proposed Updates to the State Performance Plan Targets:

R. Brown shared the updates to the State Performance Plan targets, baseline data and improvement activities for FFY 2009 (SY 09-10).

Council Recommendations and/or Concerns:

J. Huffman shared a positive comment, there was a grant awarded to Indiana Institute of Disability and Community prior to which Indiana did not have an inclusive post-education program.

D. Downer asked that the IDOE provide information on the Indiana Modified Achievement Standards Test (IMAST) results from FFY 2009 (SY 09-10). R. Brown agreed to bring the information to the next meeting.

K. Mears asked how decisions regarding residential placements are made at age eighteen and if the jurisdiction fell to the IDOE, DDRS or FSSA.

A. Davis stated that residential placements are a Case Conference Committee decision. Article 7 states student can be educated up to age 22 but the CCC decides where the services are implemented based on need of the individual student. If student funding for placement is denied by the State, the local group has to fund the placement. For a student to be taken off a residential placement at whatever age, the CCC must determine that the student's goals have been met and that the student no longer needs residential placement.

A. Davis noted there has been community concern recently because an MOU expired between the IDOE and DDRS.

D. Downer asked what the effects of the MOU expiring would be.

A. Davis said only four students have been served through the MOU, none would be now that it expired.

J. Hammond suggested that all agencies involved in educating individuals with disabilities that are legal adults sit down and develop an MOU that defines what agency holds responsibility and to ensure collaboration during transition.

D. Downer said that a lot of the work is relationship based. Establishing an MOU for the state is difficult because of defining partnerships, roles, responsibilities and trainings.

B. Lewis stated there is concern that residential placements may turn into a reimbursement model and that would be burdensome to require LEAs to pay such high costs up front.

B. Lewis brought the issue of school takeovers to the Council due to the introduction of a new State Board of Education rule. B. Lewis explained that low-performing schools could be taken over after six years of low-performance. The takeover would be by a for-profit group with no established timelines for returning local control. B. Lewis stated that he felt this created concerns for special education, as the group responsible for administering special education would be a for-profit organization. He suggested that the groups still be monitored as closely as each other LEA. B. Lewis also suggested that the IDOE should give local school corporations the same empowerment as the potential for-profit organizations and allow the LEA a chance to improve before takeover.

J. Hammond asked that the IDOE legislative agenda be discussed at the next SAC meeting in response to B. Lewis' concerns.

A. Davis agreed that proposals were being made and the IDOE would update the SAC.

Adjournment:

K. Farrell adjourned meeting at 12:16.