

MINUTES
September 13, 2013 Meeting
Indiana State Advisory Council (SAC)
on the Education of Children with Disabilities
H. Dean Evans Community and Education Center
8550 Woodfield Crossing Blvd.
Indianapolis, IN, 46240

Council Members:

Present (Yes/No)

Shirley Amond , Indiana School for the Blind & Visually Impaired Board and parent	N
Tiffany Ball , parent	N
Becky Bowman , Indiana Department of Education, Office of Special Education	Y
Rich Burden , IN*SOURCE and parent	Y
Annette Castillo , parent	N
Kim Dodson , ARC of Indiana	Y
Dr. Karol Farrell , MSD of Washington Township	Y
Gina Fleming , Archdiocese of Indianapolis	Y
Carol Guess , parent	N
James Hammond III , Indiana Association of Rehabilitation Facilities	Y
Andrea Hern , Division of Mental Health & Addiction, Family & Social Services Administration	Y
Kylee Hope , Div of Disability & Rehabilitation Services, Family & Social Services Administration	N
Jan Huffman , parent	Y
Lisa Kovacs , Guide by your Side and parent	N
Danny O’Neill , parent	N
Patty Reed , About Special Kids	Y
Dr. Sharon Johnson-Shirley , Lake Ridge Schools	Y
Toni Maley , Indiana State Department of Health	N
John Nally , Indiana Department of Correction	Y
Dr. Anita Silverman , Indiana Department of Child Services	Y
Dr. Jane Swiss , University of St. Francis School of Professional Studies	Y
Kristi Tesmer , parent	Y
Lucy Witte , Indiana School for the Deaf Board	Y

Also Present:

Tracy Brunner, Indiana Department of Education

Call to Order

Chair Karol Farrell called the meeting to order at 9:35 a.m. Fifteen of twenty-three members were present. At the Chair’s request, members introduced themselves, briefly describing their roles on the council.

Informational Items

Those present agreed to change the order of items on the agenda to accommodate scheduling conflicts. SAC Legislative Committee Chair Kim Dodson gave a verbal update, referring everyone to her written report that was shared with members prior to the meeting. Kim encouraged members to access hearings on topics of interest via the online links included in her written report and gave a verbal status report about the progress of Indiana’s Seclusion and Restraint Commission, on which she serves. Kim noted that a model Seclusion and Restraint Plan for schools will soon be available online. In response to the SAC Chair’s request, Kim described the composition of the commission and responded to council members’ questions concerning the school plan implementation, training, best practices and an anticipated formal rule promulgation process.

Following brief remarks about the current composition of the State Advisory Council on the Education of Children with Disabilities and potential additional appointments yet to be made, State Director of Special Education Becky Bowman explained the Part B grant award process and gave a brief history on the State's practice to pass along the majority of these federal funds to Local Educational Agencies (LEAs). Noting that the State was able to redirect some of its reserves, Becky explained that recent automatic federal spending cuts (aka "sequestration") did not impact LEA funding as much this year as will be the case if automatic cuts continue next year. She shared information about the cuts' impact on programs and discretionary funding then responded to council members' questions and comments about the budget and sequestration.

After updating the SAC about staffing additions and role changes at the Indiana Department of Education's Office of Special Education, Becky discussed the U.S. Department of Education's response to Indiana's Annual Performance Report ("APR") and Indiana's performance rating under the "Needs Assistance" category. She touched on the various compliance indicators that States are required to monitor and reviewed the timelines involved in the State reporting and federal review processes. Discussion followed regarding members' concerns about related services personnel shortages across the state and the potential service quality and compliance monitoring issues this will pose if not resolved. Members concurred that investigation and action is warranted by professional associations that represent related services personnel and Special Education administrators in Indiana. There was considerable discussion about addressing noncompliance that contributes to the State's "Needs Assistance" performance ranking and potential changes in the State's approach to general supervision and Special Education monitoring of LEAs.

Next, Becky Bowman advised the council of three proposed changes to the State's Special Education rules and noted there will be opportunity for public comments during the rule promulgation process. The changes will be made to rule provisions concerning consent for evaluation, consent for Medicaid claiming and the timing of fiscal reporting requirements. All proposed rule changes are technical amendments to align Indiana's rule with federal regulatory changes and recent changes in State accounting processes. Becky also updated council members and responded to questions on emergency rules adopted by the State Board of Education to implement recent legislation affecting (1) provision of Special Education and related services to Choice Scholarship students [HEA 1003], and (2) funding for educational services provided by facilities licensed by the Department of Child Services to students who are residents of such facilities [SEA 464]. DCS representative Anita Silverman shared additional details about the Department of Child Services role in implementing SEA 464.

Also under Informational Items, Becky Bowman shared housekeeping details to assist council members who wish to claim reimbursement available from the State for their SAC meeting travel expenses. She concluded with a brief history of the current SAC Bylaws, noting some conflicting provisions. Becky offered to email suggestions for amendments for the council to consider prior to the next meeting. The Chair requested that members review Becky's suggestions, consider making additional suggestions, and come to the November meeting prepared to discuss Bylaws amendments to resolve conflicting provisions within the Bylaws themselves as well as conflicts between the Bylaws and the statute defining the role, purpose and operations of the council.

Action Items

Rich Burden moved to approve the minutes of the February meeting; Lucy Witte seconded. The motion passed.

Recommendations and Concerns of the Council Members

Jim Hammond inquired about the status of an interagency agreement between DOE and various FSSA divisions regarding services to children. Becky Bowman acknowledged that work continues on this and she has contacted the FSSA divisions about finalizing the latest revisions. She will update the SAC as work on this issue progresses.

Public Comment

There were none.

Adjournment

The meeting was adjourned at 11:38 a.m.