

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
September 17, 2015

OFFICE OF SPECIAL EDUCATION

09. Discussion of the Annual Report of the Mississippi Special Education Advisory Panel [Goal 4 – MDE Strategic Plan]

Executive Summary

34 C.F.R. Sections 300.167, 300.168, and 300.169 and Miss Code Ann. Section 37-23-145 for special education require each state to establish a Special Education Advisory Panel. The mission of the Advisory Panel is to promote a partnership between the various parties involved with educating children with disabilities. The panel includes parents of children with disabilities, teachers, individuals with disabilities, school administrators and other appropriate advocates. The panel meets throughout the year. The meetings are open to the general public. The panel is required to prepare and submit an annual report regarding panel discussions, findings and recommendations to the State Board of Education.

This item references Goal 4 of the *Mississippi Board of Education 2016-2020 Strategic Plan*.

Recommendation: Discussion Only

Back-up material attached



Mississippi
Special Education
Advisory Panel

**ANNUAL REPORT TO THE
STATE BOARD OF EDUCATION**

AUGUST 2015

Purpose of the Mississippi Special Education Advisory Panel

As authorized by the Individuals with Disabilities Education Act and as defined in the by-laws of the Mississippi Special Education Advisory Panel, the principal purpose of this Panel is to promote the education of children and youth with disabilities.

Mission of the Mississippi Special Education Advisory Panel

The mission of the Special Education Advisory Panel shall be to promote the education of children and youth with disabilities. The Panel shall provide advice and guidance to the Mississippi Department of Education, Office of Special Education, regarding the education and related services of children and youth with disabilities in local educational agencies. The advice and guidance shall include input from citizens and constituent groups.

The graphic art on the cover was designed by Mr. Antwan Clark, who is a member of the Panel.

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A Year in Review from the State Chairperson 2014 - 2015

It has been my privilege to serve as chairperson for the Special Education Advisory Panel (SEAP) for 2014-2015. Working toward positive change and improvement of the educational and lifelong outcomes for students with disabilities is truly a high calling. This Panel readily answers that call and strives to achieve.

The 2014-2015 year saw pressing needs, challenges, and changes. The Panel focused on three areas this year: Addressing the Accessibility of Playgrounds for Students with Disabilities, Making the Special Education Section of the MDE Website More Transparent and User-Friendly, and Recommendations Submitted for State Board Policy 4013 – Restraint and Seclusion.

I would like to thank the following speakers for the invaluable information and updates this year: Gretchen Cagle, legislative hot topics and surrogate parent information; Valecia Davis, high school exit options; Audrey Shaifer, Positive Behavior Specialists; Robin Lemonis, Literacy-Based Promotion Act; Paula Vanderford and Stacy Curry, Accreditation Information; LaTrina Baker-Smith, Juvenile Justice System; and Leonard Swilley, Transportation.

Special thanks also go to committee chairs and members for their leadership and input. They served as a voice for the unmet needs of students with disabilities. These SEAP sub-committee chairpersons and panel members include: Seclusion and Restraint Committee: Pam Dollar, Antwan Clark, Laurie Heiden, LaTrina Baker-Smith, and Denise Soares; Accreditation Accountability Committee: Nan Christian, Roger Bullock, Janice Dukes, Jeanie Pigg, Johnny McGinn, Donny Frazier, and Antwan Clark; Best-Practice Guide Committee: Vicki Hartley, Denise Soares, Sandra McClendon, Nicole Boyd, Nan Christian, and Tonya Green.

The Panel thanks the Office of Special Education, our State Superintendent and each member of the State Board of Education. Your collective support and guidance strengthens the outcomes for students with disabilities as they transition from school to a life of independence.

This year's report summarizes our efforts and lists recommendations to meet the unmet needs of students. The SEAP members volunteer their time and talents to advocate for students with disabilities. We sincerely petition the Mississippi Board of Education to consider the SEAP's recommendations and input as it focuses on areas of critical need for the State's students.

As a parent of a child with special needs and advocate for individuals with disabilities, my hopes and expectations are for positive outcomes for students and families. With support and accountability from the Board, the SEAP and I will continue to advocate for the fulfillment of the unmet needs of students, actively tell their stories and celebrate the abilities and accomplishment of students with disabilities.

Respectfully submitted,

Laurie Heiden

Laurie Heiden
2014-2015 Chairperson
Mississippi Special Education Advisory Panel

Advisory Panel 2014-2015

Recommendations

For the 2014-2015 School Year, the Special Education Advisory Panel formed three committees to address topics that are of concern at this time. The committees discussed the accessibility of playgrounds for students with disabilities, making the special education section of the MDE website more transparent and user-friendly, and seclusion and restraint. The following reports are the results of each committee's findings.

Addressing the Accessibility of Playgrounds for Students with Disabilities

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law that prohibits discrimination on the basis of disability. The ADA requires that newly constructed and altered State and local government facilities, places of public accommodation, and commercial facilities be readily accessible to, and usable by, individuals with disabilities. Recreational facilities, including play areas, are among the facilities required to comply with the ADA.

During the 2014-2015 School Year, it was recommended and approved that the Special Education Advisory Panel (SEAP) create a committee to address concerns regarding playgrounds for students with disabilities. The term “Special Education” means “specially designed instruction to meet the unique needs of a child with a disability.” This report shall discuss information/issues relating to the guidelines, policies, and procedures recommended to assist school districts for providing accessible playgrounds for students with disabilities. (It is recommended that school districts and special services departments throughout Mississippi consider the Advisory Panel’s recommendations.)

Summary:

Based on public comments and information from members representing their constituency groups, the SEAP Committee makes the following recommendations to the Mississippi Department of Education, Office of Special Education, and other relevant departments:

Issue:

The SEAP is concerned that there is no comparison chart between existing Federal and Mississippi guidelines relating to playground accessibility for students with disabilities.

Recommendation:

The SEAP recommends that the MDE appoint a committee to study existing Federal and Mississippi guidelines, develop a comparison chart of these Federal and Mississippi guidelines, and determine written Mississippi policies and procedures relating to playground accessibility for students with disabilities.

Issue:

The SEAP is concerned that school districts do not have an assessment checklist to assist in determining playground accessibility for students with disabilities.

Recommendation:

The SEAP recommends that the Playground Accessibility Checklist be developed by MDE staff with the assistance of SEAP members to assist the school districts in determining playground accessibility for students with disabilities.

Issue:

The SEAP is concerned that school districts will need training on Mississippi policies and procedures relating to playground accessibility for students with disabilities and directions on the use of the Playground Accessibility Checklist.

Recommendation:

SEAP suggests that MDE staff and SEAP members provide training to school districts on the Mississippi policies and procedures relating to playground accessibility for students with disabilities and directions on the use of the Playground Accessibility Checklist.

Resources Reviewed:

School Facility Assessment Instrument (located on MDE website under Safe and Orderly Schools)

Resolution letter from complaint to Office of Civil Right dated October 17, 2013 and sections from ADA law, Section 240 and 1008 (copy attached to email)

SPED site visit instrument (located on MDE website under Special Education)

Accessible Play Areas, A Summary of Accessibility Guidelines for Play Areas from the US Access Board (from website)

Public Playground Safety Handbook from US Consumer Product Safety Commission (located on MDE website under Safe and Orderly Schools)

Making the Special Education Section of the MDE Website More Transparent and User-Friendly

During the 2014-2015 School Year, it was recommended and approved that the Special Education Advisory Panel (SEAP) form a committee to address concerns regarding transparency and user friendliness of the special education section of the MDE website. The website is an essential tool for the MDE to communicate with parents, caregivers, teachers and administrators regarding policies and procedures for special education in the State. This report shall discuss questions relating to the organization and content of the website, as well as guidelines for updating content on the website. It is recommended that school districts and special services departments throughout Mississippi consider the Advisory Panel's recommendations.

Summary:

Based on public comments and information from members representing their constituency groups, the Policies Committee makes the following recommendations to the Mississippi Department of Education, Office of Special Education.

Issue:

The SEAP is concerned with the organization and content of the special education section of the MDE website.

Recommendation:

The SEAP recommends that the OSE reorganize the website to make apparent sections of interest to different constituent groups: teachers, administrators, external agencies and parents. The committee explored several states' web pages. Here are some we felt were organized in a transparent and user-friendly fashion.

<https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/default.aspx>

<http://sped.dpi.wi.gov/>
<https://www.cde.state.co.us/cdesped>

Issue:

The SEAP is concerned about the complexity of documents delineating policies and procedures for implementing rules and regulations.

Recommendation:

SEAP appreciates the extensive work involved in developing training manuals and policy/procedures manuals. However many of these publications are 100 pages or more and a bit daunting to caregivers and teachers. We recommend 1-3 page policy briefs to be companions to more lengthy documents. These could be in the form of FAQ or summary reports. Input from practitioners about the content would be helpful.

Examples from the websites referenced above:

<https://www.cde.state.co.us/cdesped/ff-transfersforstudents18-21>

<https://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Documents/Frequently%20Asked%20Questions%20Regarding%20LRE.pdf>

Issue:

The SEAP is concerned about the need for more frequent and more consistent updating of the webpages for special education. Often information on the website is outdated or undated.

Recommendation:

SEAP suggests that MDE update the website once a year or more often as necessary. Old forms, training manuals, information packets should be archived and hidden. New forms, training materials and information packets should be clearly marked with date approved and date effective.

Recommendations Submitted for State Board Policy 4013 – Restraint and Seclusion

The Special Education Advisory Council Seclusion and Restraint Committee submits the following as public comment on proposed State Board Policy 4013 - Restraint and Seclusion.

- 1. We recommend the Mississippi Department of Education (MDE) hold public hearings throughout the State to allow individuals the opportunity to express their views about the policy in person.** This policy was put out for public comment during the summertime. Many parents, caregivers, educational personnel (public and non-public) and other stakeholders, including those with disabilities, have had limited access to this information. Holding public hearings will allow all stakeholders and interested parties the opportunity for input, which is a critical part of the process. Prior to the public hearings MDE should clearly post all public comments on the front page of their website.
- 2. We recommend the definition section be revised to be consistent with all State agencies.** As MDE is trying to clearly promote evidence-based positive behavior interventions and supports in the school setting, definitions and procedures outlined in this policy should reflect language utilized across State agencies. For example, since Mississippi Department of Mental Health (DMH) certified programs are provided in the school then it would be advantageous for the language/definitions from all State agencies to correspond.
- 3. We recommend the personnel training section be reviewed and revised.** MDE should provide a list of approved, evidence-based training programs from which school districts must select. Adequate training in restraint and seclusion techniques should include knowledge and performance competencies that are assessed annually. These training programs should have components of positive behavior interventions and supports.
- 4. We recommend that the policy be reviewed and revised to require school districts to report all incidences of restraint and seclusion in**

MSIS. Nowhere do we see in the recommended policy any reporting requirements to MDE.

5. **We recommend that the policy be reviewed and revised to remove any reference to a student's Individualized Education Program (IEP), 504 Plan or Behavior Intervention Plan (BIP).** MDE's Seclusion and Restraint Policy should be applied equitably to ALL students. Allowing seclusion and/or restraint as a component of an IEP, 504 Plan or BIP can cause overuse of restraint and seclusion and permit it in situations where it should not be used. Such provisions are dangerous, as they are viewed as permission to use potentially harmful procedures freely and regularly.

Special Education Advisory Panel Membership 2014-2015

- (1) **Parents of children with disabilities (ages birth through 26)**
 1. Ms. Deborah Giles,* — 2013-2017
 2. Ms. Nicole Boyd,* Oxford Exceptional Children’s Society — 2013-2017
 3. Ms. Jacqueline Washington,* Mississippi Department of Health — 2012-2016
 4. Ms. Octavia Carson,* ♦ MS School for the Blind — 2011-2015

- (2) **Individuals with disabilities**
 5. Mr. Johnny McGinn, ♦ Director, Client Assistance Program — 2013-2017
 6. Mr. Antwan Clark, ♦ Information Technology Specialist — 2013-2017
 7. Mr. Roger Bullock, ♦ Independent Living Specialist, Living Independence for Everyone, Inc. — 2013-2017

- (3) **Teachers**
 8. Ms. Janice Dukes,* Pearl School District — 2011-2015

- (4) **Representatives of Institutions of Higher Education that prepare special education and related services personnel**
 9. Dr. Denise Soares, University of Mississippi — 2014-2018
 10. Dr. Vicki Hartley, Delta State University — 2014-2018

- (5) **State and local education officials, including officials who carry out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431 et seq.)**
 11. Ms. Barbara Greene, McKinney-Vento Homeless Representative — 2013-2017

- (6) **Administrators of programs for children with disabilities**
 12. Ms. Tonya Green, * Special Education Director — 2012-2016
 13. Ms. Jeanie Pigg, Special Education Director — 2014-2015

- (7) **Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities**
 14. Mr. Donny Frazier, Mississippi Department of Rehabilitation Services — 2011-2015
 15. Ms. Nan Christian, Mississippi Department of Mental Health — 2011-2018

- (8) **Representatives of private schools and public charter schools**
 16. Ms. Laurie Heiden, * Mississippi Children Home Services — 2013-2017

(9) Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities

17. Ms. Pam Dollar,* Mississippi Parent Training and Information Center — 2011-2015

18. Dr. Joan Haynes, ♦ Associate Executive Director for Academic and Student Affairs, State Board for Community Colleges — 2011-2015

(10) A representative from the State child welfare agency responsible for foster care

19. Ms. Sandra McClendon, Mississippi Department of Human Services — 2014-2018

(11) Representatives from the State juvenile and adult corrections agencies

20. Ms. LaTrina Baker Smith, Oakley Training School — 2014-2018

** NOTE: Special rule. A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26). (Authority: 20 U.S.C. 1412(a)(21)(b) and (c))

*Denotes parent

♦ Denotes individual with a disability

Special Education Advisory Panel Federal Regulations

(Sections 300.167, 300.168, and 300.169)

What the Federal law requires:

(21) State advisory panel.--

(A) In general.--The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

(B) Membership.--Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including--

(i) parents of children with disabilities (ages birth through 26);

(ii) individuals with disabilities;

(iii) teachers;

(iv) representatives of institutions of higher education that prepare special education and related services personnel;

(v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);

(vi) administrators of programs for children with disabilities;

(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

(viii) representatives of private schools and public charter schools;

(ix) not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;

(x) a representative from the State child welfare agency responsible for foster care; and

(xi) representatives from the State juvenile and adult corrections agencies.

(C) Special rule.--A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

(D) Duties.--The advisory panel shall--

(i) advise the State educational agency (SEA) of unmet needs within the State in the education of children with disabilities;

(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

(iii) advise the SEA in developing evaluations and reporting on data to the Secretary under section 618;

(iv) advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

(v) advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

Mississippi Special Education Advisory Panel By-Laws

Article I: Name of Organization

The name of this self-governed organization shall be the Special Education Advisory Panel, also known as the SEAP.

Article II: Purpose of the SEAP

Section 1. The principal purpose of this Panel shall be to promote the education of children and youth with disabilities.

Section 2. The mission of the Special Education Advisory Panel shall be to promote the education of children and youth with disabilities. The Panel shall provide advice and guidance to the Mississippi Department of Education, Office of Special Education, regarding the education and related services of children and youth with disabilities in local educational agencies. The advice and guidance shall include input from citizens and constituent groups.

Article III: Functions

(a) **General.** The SEAP shall:

1. Advise the SEA of unmet needs within the State in the education of children with disabilities;
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
3. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
4. Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Individuals with Disabilities Education Act (IDEA); and

5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.
- (b) Advising on eligible students with disabilities in adult prisons. The Advisory Panel also shall advise on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons, even if, consistent with § 300.600
- (d), a state assigns general supervision responsibility for those students to a public agency other than an SEA. (Authority: 20 U.S.C. 1412(a)(21)(D))

Article IV: Procedures

Specific procedures will include the following:

1. The Advisory Panel shall meet bi-monthly to conduct its business.
2. By July 1 of each year, the Advisory Panel shall submit an annual report of Panel activities and suggestions to the State Board of Education. This report must be made available to the public in a manner consistent with other public reporting requirements of Part B of the Act.
3. Official minutes must be kept on all Panel meetings and must be made available to the public on request.
4. All Advisory Panel meetings and agenda items must be announced enough in advance of the meeting to afford interested parties a reasonable opportunity to attend. Meetings must be open to the public.
5. Interpreters and other necessary services must be provided at Panel meetings for Panel members or participants. The State may pay for these services from funds under §300.620.
6. The Advisory Panel shall serve without compensation but the State must reimburse the Panel for reasonable and necessary expenses for attending meetings and performing duties. The State may use funds under §300.620 for this purpose. (Authority: 20 U.S.C. 1412(a)(21))

Article V: Administrative Year

The administrative year shall be July 1 through June 30.

Article VI: Terms of Membership

Section 1. The membership shall be composed of persons concerned with the education of children and youth with disabilities as required by State and Federal regulations. Membership shall include, but not be limited to:

- parents of children with disabilities (ages birth through 26);
- individuals with disabilities;
- teachers;
- representatives of institutions of higher education that prepare special education and related services personnel;
- State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);
- administrators of programs for children with disabilities;
- representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- representatives of private schools and public charter schools;
- not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- a representative from the State child welfare agency responsible for foster care; and
- representatives from the State juvenile and adult corrections agencies.

Special rule--A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

Section 2. A majority of the members of the Panel shall be individuals with disabilities or parents of children with disabilities.

Section 3. A term of office shall be for four (4) years, with eligibility for re-appointment. The State Superintendent of Education shall have the authority to remove a member before the appointment has expired due to noncompliance with attendance requirements.

Section 4. The following procedures are followed to fill vacancies on the SEAP:

- a) The SEA will distribute nomination forms to all interested parties.
- b) All nomination forms will be received by the SEA.
- c) The State Superintendent will make final recommendations to fill vacancies on the SEAP to the State Board of Education for approval.

Section 5. Recommendations for appointments to the Advisory Panel should be made by June 30 of each year. Prospective members should be appointed in July.

Section 6. Membership on the Panel requires consistent attendance at regular meetings. An attendance report will be generated during May of each year. When a member has missed more than 50% of the meetings, a recommendation will be made to the State Superintendent to replace the member. If the member has had an extenuating circumstance which justifies absences from the meetings, he/she may petition the State Superintendent in writing to remain on the Panel.

Article VII: Officers of the Special Education Advisory Panel

Special Education Advisory Panel officers shall include a chairperson, a co-chairperson-elect and a past-chairperson.

Article VIII: Nominations and Elections

To be elected to an office, one must be an Advisory Panel member for at least one year.

The chairperson-elect shall be elected by a simple majority of the full Panel.

Article IX: Meetings

Section 1. Regular meetings of the Panel shall be held bi-monthly. The co-chairperson-elect will serve a term of one year. After serving in this capacity for one year, the co-chairperson-elect automatically assumes the position of chairperson.

The chairperson will serve a term of one year. After serving in this capacity for one year, the chairperson automatically assumes the position of past-chairperson.

The past-chairperson will serve a term of one year.

The election will be held annually in June. New officers will begin service in August of each year.

Section 2. Dates for the regular meetings of the administrative year shall be established during the last meeting of the previous year.

The chairperson, with input from the entire Panel and the facilitation of the SEA, shall set the agenda for each meeting. The chairperson may request the SEA to provide information based upon agenda items.

Section 3. A simple majority (1 more than half) of the Panel membership shall constitute a quorum for the transaction of business in any meeting of the Panel. Meetings can be held even if a quorum is not present.

Article X: Committees

The Panel may establish committees to carry out the responsibilities of the Panel and to accomplish its purpose as stated in the Federal law.

Duties and responsibilities of each committee shall be adopted by the Panel in the form of a resolution, which shall be entered into the minutes of the Panel meeting. Persons other than members of the Advisory Panel may serve on its committees. Each committee shall be chaired by a member of the Advisory Panel. Membership on each committee shall include parents of individuals with disabilities or individuals with disabilities.

Article XI: Rules of Order

Robert's Rules of Order are the meeting procedures for this organization.