Washington Office of Superintendent of
PUBLIC INSTRUCTION

SEAC October Meeting
Meeting October 24, 2024 Minutes

Open Meeting

- Call to order – Tammie Jensen-Tabor, Executive Chairperson
  - called to order at 8:45 due to technical difficulties.
- Land Acknowledgement – Jen Chong Jewell, Executive Vice-Chairperson
  - Jen Chong Jewell acknowledged the physical meeting location and that it is on the land of the Swinomish people.
- Introduction of members and welcome new members – Tammie Jensen-Tabor
  - All of the SEAC members introduced themselves.
    - Spanish interpreters were available for the Spanish community who were visiting the SEAC meeting.
- Review of agenda, SEAC Bylaws, and Group Norms – Diana Marker, Executive Member
- Review and accept minutes from the May 2023 meeting.
  - Tonya Cochran moved to accept the May 2023 minutes and Natasha Hays seconded the motion. The May 2023 minutes were accepted.

Welcome ESD 189 Team and ESD 189 Program Presentation

Welcome - Tammie Jensen-Tabor and Tania May

- Fran McCarthy and team:
  - Brian McClay – Program Specialist at ESD 189 presented.
    - Pre-employment transition services
  - Fran McCarthy presented on SSIP –special programs and services.
    - Two behavioral schools
    - Three detention center schools
    - Northwest Regional Learning Center
    - School Nurse Corp
    - Early Childhood Division

Review 2023–24 Focus Areas
Presenter - Tammie Jensen-Tabor

- Participate in a joint meeting with the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) and the SEAC on Mastery Based Learning.
    - Jen Chong Jewell explained the need for a joint meeting.
    - Put in the work to have a conversation with the EOGOAC to move the work forward.
- As Performance Based Pathways become an option for meeting graduation requirements, the SEAC would like to review the possible outcomes as this option enters into rulemaking. OSPI does not have the authority to set these rules.
    - State Board of Education: Performance-based Pathway becoming an option for meeting graduation requirements.
    - Very good conversation regarding this topic.
    - Utah approved mastery/competency-based transcripts.
- Identify if there is data to analyze the consistency between High School and Beyond Plans and Post-Secondary Transition Plans.
    - Student-level review of the alignment between a high school and beyond plan (HSBP) and an IEP-related transition plan would be through either our special education monitoring and/or through Safety Net.
    - Recent development in our state, where we are going to move toward a single online platform for HSBY for all students. As that process unfolds and we look at whether we can adopt a statewide IEP system we may think about some cross-communication data collection.
- Review the Post-Secondary Outcomes Survey data.
- Discern the circumstances and details around the barriers to graduation for students with disabilities who dropped out.
- Clearly define "limited circumstances" and "unique needs" that would allow for a course (content/subject) substitution referenced in WAC 180-51-115. We fear that this vague terminology will lead to overuse as we saw the Certificate of Individual Achievement (CIA). Less than 1 percent should qualify.
    - Hearing November 14 and comments need to be submitted by December 3.
    - Proposed rules: https://www.sbe.wa.gov/sites/default/files/public/documents/OTS-4947.1.pdf
- Clarify where the accountability lies for ensuring access to graduation pathway options with significant disabilities, such as behaviors.
- Identify graduation process options for students with the most significant cognitive disabilities.
- Policy subcommittee – Diana Marker, Sean McCormick, Jen Chong Jewell, Patty Delgado, Sam Fogg, Hodan Mohamed.

Public Comment
Presenter – Tammie Jensen-Tabor
All regular meetings of the Special Education Advisory Council are open to the public. The public is encouraged to attend and may comment only during the designated public comment time frame on the agenda.

- Public comment was read that came into the special education email inbox in May 2023. The email arrived too late to be read at the May meeting. The email was read by Tammie Jensen-Tabor at the October meeting.

- Two people from the public audience commented.

Q&A on OSPI Briefing
Presenter – Tania May

- **Understanding the acronyms and special education terms, specifically Safety Net.**
  Safety Net: As a state, some of the federal funds that we receive under the IDEA are put aside for what is called high-cost reimbursement. School districts already get an allocation based on a complicated formula for enrollment. They often serve students whose programs cost more than the funds that they receive. We set aside the maximum for our federal funds to support reimbursing for those high-cost programs. Our state legislature is also generous, and they basically fully fund those approved reimbursements every year at a much, much higher rate than the federal. Which legislators are looking at this so that we can track when bills drop in December and where we should be looking for bills related to this? Will connect with government relations and find out if they have a list.

- **Special Education funding cap.**
  Districts would get a multiplier for every student with an IEP in their system, but only up to 13.5% of their population.

- **High School and Beyond Plans**
  Student level review of the alignment between a high school and beyond plan (and an IEP related transition plan would be either through our special education monitoring or through Safety Net. There has been a significant push to move toward removing compliance reviews from Safety Net. The rule says that the IEP needs to identify HSBP and transition plan are connected in some way. No requirement beyond that.

- **See the OSPI Special Education Briefing**

Dispute Resolution Year-in-review

Presenter – Alyssa Fairbanks

- Alyssa Fairbanks summarized due process cases.
- Year-in-review for dispute resolution.
- Trends

Review 2023–24 Recommendations

- The Special Education Division Monthly Updates provide links and guidance about contemporaneous issues as well as reminders and technical assistance. The SEAC recommends that these updates continue and continue to use video clips to explain topics.
- Provide technical assistance with language access.
- Cross-departmental collaboration in information sharing (e.g., Foster Care Program sharing information about special education).
- The SEAC recommends a presentation regarding the Johns Hopkins study, Every Minute Counts and the plan for technical assistance roll out of the information.
- The SEAC recommends continued collaboration between OSPI and Professional Educator Standards Board (PESB) regarding efforts to train staff in the inclusionary practices and multi-tiered systems of support alignment.
- The SEAC recommends a formal presentation at a 2023–24 SEAC meeting from OSPI and special education teacher preparation program(s) and alignment with current school district initiatives.
- Identify and implement strategies to retain experienced, effective special education staff serving students identified with a disability.
- Add special education as an identified category to the State Report Card for teacher qualification, teacher certification and average years of teaching experience to ensure transparency and accountability for retention.

Convening of Joint Meeting Between the SEAC and DCYF Interagency Coordinating Council (ICC)

- Recommend that the ICC set a date for one day of the 2023–24 school year to align with past scheduling practices of the SEAC.
- Recommend a day of combined training between the two councils before the start of the 2023–24 school year.
    - Technical Assistance for Excellence in Special Education (TAESE) has contracted with OSPI to provide training in January 2024 for both councils.
- Recommend scheduling a one-day yearly standing meeting between the SEAC and ICC.

Collection and Analysis of Data on the Collective Impact of Education Funding and the Intersection of Special Education

The SEAC continues to believe LEAs must be provided with the necessary funding to support evidence-based special education programming rooted in equity and best practices. To support this endeavor, the SEAC recommends that the SEAC addresses the following funding issues —

- **Support sustained funding for implementation:**
  - Access to general education professional development to all relevant certificated and classified staff and resources to implement the following areas:
    - Universal Design for Learning (UDL).
    - MTSS.
    - Standards-based instruction.
    - Trauma-invested and healing-centered practices.
    - Family and community engagement/education with cultural humility.
    - Language Access.
      - Increasing funding for language access in public schools.
    - Accessible materials.
  - Continue efforts to braid funding sources and increase flexibility in the use of categorical and other funds.
    - Effects of the implementation of 2SHB 1664 - Prototypical funding formula for physical, and social and emotional support in schools.
    - Amplify technical assistance regarding flexibility of funding.
    - **<u>Recommendation</u>**
      - Conduct an analysis of the long-term impact of the pandemic on school funding and services.
      - Conduct an analysis of the impact of the implementation of the multiplier, lowering the Safety Net threshold and raising the cap to 15% to the state special education funding model.
  - Based on the LRE data from 2020–21 to 2021–22, students with disabilities aged 3–5 (Indicator 6) are not being served more inclusively and there is disparate data of children aged 3–5 receiving the majority of their special education and related services in the general education setting versus children aged 6–21 spending 80% or more of their day in the general education setting.
    - Comparatively from 2021–22 data (FFY 2021 Annual Performance Report (APR)), only 25.71% of children aged 3–5 receive the majority of special education and related services in the general education setting (Indicator 6A) compared to 62.37% of children aged 6–21 attend their general education classroom 80% or more of the day (Indicator 5A).

- The percentage of children aged 6–21 who spend more than 80% of their day in general education is *more than double* that of the younger learners aged 3–5 who receive the majority of their services.
- The SEAC position aligns with the [OSEP 2017 Dear Colleague Letter of Preschool Least Restrictive Environment](#) in that "the least restrictive environment (LRE) requirements…of the IDEA are fully applicable to the placement of preschool children with disabilities" and that children aged 3–5 with disabilities should be served inclusively in their general education setting with supports to the greatest extent possible.

o Based on the LRE data from 2021–22, students with disabilities aged 6–21 are being served in a more inclusive setting which could be attributed to the statewide multi-tiered funding model. The gap between Black, Indigenous, and people of color (BIPOC) students with disabilities and students with disabilities is not closing at a rate that would eliminate the gap which indicates that there is more work to be done to create more inclusive educational environments for BIPOC with disabilities. The LEAs receiving targeted supports and professional development are closing the gap at a rate three times that of non-participating LEAs.

- Statewide Impact - Multiplier Funding Model

  - Since the multitiered funding model was implemented, statewide Least Restrictive Environment (LRE) data for all students with disabilities spending 80–100% of their day in general education settings has improved from 56.6% in 2018 to 62.37% in 2022.
  - Since the multitiered funding model was implemented, statewide Least Restrictive Environment (LRE) data for BIPOC students with disabilities spending 80–100% of their day in general education settings has improved from 53.5% in 2018 to 60.08% in 2022. This is not on pace to eliminate the gap.
  - Additionally, for Black students with disabilities, who experience the greatest placements in more restrictive settings, the LRE data for this population increased from 49% in 2018 to 51.65% in 2022. This shows that the gap in placement is increasing.

- **Recommendation**
  - Conduct a targeted analysis of the updated funding model for BIPOC students with disabilities.
  - Target awareness of the nexus of service and funding for BIPOC students with disabilities.
  - Continue collaboration and reporting from other councils/departments such as: Department of Vocational

Rehabilitation, Department of Health and Human Services, and Systemic Equity Review activities with the National Center for Systemic Improvement (NCSI).

- Conduct analysis and target awareness of the nexus of service for children aged 3–5 with disabilities and inclusive practices funding to move the needle for Indicator 6 to impact our youngest learners.
- Implore ESDs and school districts to coordinate technical assistance and partnership with local regular early childhood programs to serve children with disabilities aged 3–5 in their LRE and deliver inclusionary practices, aligned with WAC 392-172A-02050. LRE should be determined based on each individual child's needs and should not automatically be developmental preschool. For children ages 3–5, a general education environment is a regular early childhood program as defined in WAC 392-172A-01152.

- **Action item** regarding BIPOC students. Look through the disproportionality lens. Compare the amount of money before and after 1436.

Burden of Proof

Any data to show whether to reduce the gap or will it stay the same? Are there any unintended consequences to shifting the burden of proof?

Other states were contacted, and states said at this point it was inconclusive if shifting the burden of proof was causing concern or causing a positive change. Important to look at both sides.

Claudia Avendaño-Ibarra amended the motion to recommend to shift the burden of proof to the school districts. And Sam Fogg seconded. Vote eleven yes, all opposed none, abstaining three. Next steps to write the SEAC recommendation.

Summary of Actions

Presenter - Executive team

- Discussion about community forum scheduled for 6 pm, October 24.

    o Diana Marker, Natasha Hayes, and Tamara Rosario will present on belonging and inclusion and what belonging means in early learning. ESD 189 transition partners will join. Breakout groups Fran McCarthy, ESD 189, Tamara Rosario, Natasha Hays, Diana Marker, and Tania May will be in attendance.

- Action items: Desilo – intentionally reach out to the EOGOAC

- Group input to provide fire to the legislative group regarding topics we discussed today – policy subgroup will see if they can report on the second day of the meeting.

- Removing the CAP on disproportionality.

- Interpreters one-pager for school districts to use for getting interpreters.

- Writing a position paper to recommend shifting the burden of proof.

SEAC October Meeting
Meeting Minutes October 25ᵗʰ

Open Meeting | 8:30–9 am
Tammie Jensen-Tabor
Introductions were done. Each of the members described their physical selves for those who are visually impaired.

Debrief Community Forum | 9–9:45 am
Presenters - Executive team
The members who were at the community forum commented on how well the forum went and overall, it was a success. The major vein of conversation was regarding how successful students were after attending schools where there were programs like what ESD 189 offers. Brian McClay shared the trickle-down effect that the programs have on the community.

Talking about future forums and how to setup. February will be virtual, and May will be in person in Walla Walla focusing on Early Childhood Special Education services.

Brian McClay suggested sending information to the ESDs regarding the forum so they can get the word out to their communities. Suggestion to offer food and childcare for the forums.

Natasha Hays and Tamara Rosario helped Diana Marker plan the forum.

Discussion about committees and planning as we move forward.
A motion was made by Tonya Cochran to create three workgroups. Samantha Fogg seconded the motion. Unanimous vote to create all three workgroups.

Bridge and Create Intentional Inclusion with other Workgroups
Tammie will be the lead – Sam Fogg, Jen Chong Jewell, Tammie Jensen-Tabor, Melanie Ingram

Committee/workgroup to work on forums virtual and in person
Melanie Ingram (Straight) will be lead, Diana Marker, Tonya Cochran, Laura Staley, and Sam Fogg will support technology for the virtual space. List of topics that past forums have used to navigate future topics. The group will get together and go over the planning and include Bev in their communication. Bev Mitchell will provide a list of topics from past forums. Keeping 5:30–7 pm timeframe for both virtual and in person and offer food and childcare for the in person forum.

Legislative and policy committee
Diana Marker will be lead - Sam Fogg , Diana Marker, Sean McCormick, Hodan Mohamad, Tamara Rosario, Vanessa Tucker, Jen Chong Jewell, Natasha Hays (supporting evidence-based practices) and Claudia Avendaño-Ibarra will make up the committee.
Recommendations on:
Shifting burden of proof.
Discussion around eliminating the CAP
Restraint and Isolation
Working wage for paraeducators
Capitol projects
Next steps, Diana will send out a Doodle poll with dates to get together to discuss.

Legislative Update
Presenters - Tania May and David Green
David talked about upcoming legislative bills. And he talked about introducing the members to the OSPI Bill Tracker. David Green | Legislative Budget Requests

Discussion of State Performance Plan and State Systemic Improvement Plan
Presenters - Sandy Grummick, Jennifer Story, and Ryan Guzman
Presentation of the state performance plan and state systemic improvement plan. Answered the questions what is the state performance plan and what are the indicators?
The indicator targets are set every six to seven years.

FFY 2022 Washington State Annual Performance Report
State of Washington State Systemic Improvement Plan (SSIP) Theory of Action-B17

Disability Employment Awareness Month; Disability History and Pride
Presenter – Jen Chong Jewell

Summary of Actions
Presenter – Executive team

Using briefs instead of presentations. (example what Tania did) moving forward. Having heavier topics, and topics that need "space" on the first day of the meeting giving time on the second day for input.

Discussed and setup workgroups – Legislative workgroup, community forum, bridging workgroup.

Burden of proof conversation will be part of the leg workgroup.
Evidence-based practices conversation in future meetings.

Action item: Elevate request to include SEA and LEA special education determination level (by year) on the OSPI state report card pages.

Action item: Intentionally reaching to the EOGOAC.
Update on due process in other states.

State board hearing on November 11 – Someone could attend. The legislative committee could meet before November 11 and submit public comment on December 4.

Adjourned 3 pm