

MINUTES OF THE COMMISSION ON SPECIAL EDUCATION ACCESS AND EQUITY

for Thursday, January 16, 2014

Miller Senate Office Building
President's Conference Center, East II
11 Bladen Street, Annapolis, Maryland 21401

The Commission on Special Education Access and Equity held its third regular meeting on Thursday, January 16, 2014, at 1 p.m., at Miller Senate Office Building in Annapolis, Maryland. The following Commission members were in attendance: Marcella E. Franczkowski, Chair; B. Gigi Ayeh-Robertson; Carol Beck; Ellen A. Callegary; Harold J. Cyr; Tomi Fabri; George Failla, Jr.; Dorie Flynn; Sandra French; Chabre V. Hall; Kalman R. Hettleman; The Honorable Eric G. Luedtke; Gwendolyn J. Mason; The Honorable Karen S. Montgomery; Theresa Parham; The Honorable Paul J. Pinsky; Leslie Seid Margolis; Denise O. Shaffer; and Janet Wilson. The members in attendance comprised a quorum.

The following staff to the Commission were in attendance: Donna Riley, Branch Chief for Policy and Accountability; Rosemary King-Johnston, Consultant; and Sheréa Makle, Communications Specialist, Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS). Dori Wilson, Branch Chief for Family Support and Dispute Resolution, was also in attendance. Public attendees were Julie Reiley, Susan Carle, Amy Maloney, and Barbara Murphy.

WELCOME

Ms. Franczkowski opened the meeting at 1:15 p.m., and acknowledged Commission members for their service and commitment to students with disabilities and their families. Ms. Franczkowski explained the location change to Annapolis to accommodate Commission members during the current Legislative Session. Ms. Franczkowski thanked Senator Montgomery and Delegate Luedtke for hosting the meeting and donating bottled water for the Commission.

APPROVAL OF MINUTES

Ms. Franczkowski called for review of the Commission Minutes for Monday, November 25, 2013. A motion to approve the minutes was made and seconded. The minutes were unanimously approved as amended to include the addition of Dorie Flynn's name as a Commission member in attendance.

DISCUSSION OF PROPOSED RECOMMENDATIONS FOR TOPIC I-PROCEDURAL SAFEGUARDS-PROPOSED RECOMMENDATIONS

Ms. King Johnston facilitated the Commission's review of recommendations from November 25, 2013.

Senator Pinsky requested, for the sake of clarity, a rewriting of Recommendation #1 of the Proposed Recommendations for Topic I-Procedural Safeguards, dated 1/10/14. The Commission approved and Ms. King Johnston agreed that staff to the Commission would rewrite the recommendation and bring back for review and approval during the March 18, 2014 meeting of the Commission.

Ms. Callegary read aloud the draft language proposed by Ms. Seid-Margolis, Ms. Shaeffer, and Ms. Callegary to address training of administrative law judges (ALJs), as requested during the Commission's discussion on Eliminating Disparities. A motion was made and seconded to accept the proposed recommendation as written. The motion passed unanimously. The proposed recommendation is recorded as follows: "At least once a year, the Administrative Law Judges will be trained by trainers selected by MSDE from lists provided by parent and advocacy groups. In the event that the trainers are parents of

children with disabilities or attorneys who represent children with disabilities, those trainers will be attorneys who do not practice law in Maryland and/or parents who do not reside in Maryland and whose children do not attend Maryland schools.”

DISCUSSION OF PROPOSED RECOMMENDATIONS FOR TOPIC II–IDENTIFYING AND ELIMINATING DISPARITIES-PROPOSED RECOMMENDATIONS

Ms. Franczkowski facilitated the Commission’s review and discussion of State and national data provided in the meeting packet. The data was provided in response to the Commission’s requests for additional information on the data discussed during the November 25, 2013 meeting. Ms. Riley provided clarification of certain data points.

Robust discussion followed with the Commission suggesting that the MSDE-DSE/EIS further disaggregate and analyze data regarding the disproportionate identification of students with disabilities in local school systems, by race, ethnicity, and socioeconomic status. Ms. Franczkowski stated that the MSDE-DSE/EIS analyzes data at least annually, and provides customized technical assistance and support to local school systems and public agencies based on performance and compliance indicator results. Ms. Franczkowski further stated that the Commission could partner with the MSDE and make recommendations for future practices.

The Commission identified the need to prioritize its focus in regards to identifying and eliminating disparities. Accordingly, the Commission agreed to develop a small workgroup to meet offline, further review data, suggest a priority focus for Topic II, and draft proposed recommendations. The following Commission members volunteered to participate on the workgroup: Ms. Ayeh-Robertson, Ms. Beck, Ms. Callegary, Ms. Mason, Ms. Seid-Margolis, Mr. Failla, and Mr. Hettleman. Senator Montgomery agreed to participate via electronic mail only, and only as time allows, due to the active Legislative session. The proposed draft recommendations will be shared with the larger Committee in advance of the March 18, 2014 meeting.

DISCUSSION OF TOPIC III-CONCERNS ABOUT EQUITY BETWEEN THE PARTIES IN SPECIAL EDUCATION DUE PROCESS HEARINGS AND POTENTIAL METHODS FOR IMPROVING THE PROCESS

Ms. Franczkowski invited Ms. Dori Wilson to facilitate discussion of data provided on due process hearing, specifically, the outcome of mediation requests when local school systems decline to mediate and elect to proceed with due process.

Robust discussion followed with members of the Commission emphasizing a need for increased respect of the value of families as partners in the IEP process, and in the determination of appropriate services for their children. Commission members expressed that State and local data may not reflect (1) the numbers of families who receive advocacy support to reach resolution with local school systems prior to any formal dispute resolution being filed or held, (2) the number of families who express an inability to access due process because of associated costs, etc., (3) the numbers of families who express to advocates their dissatisfaction but do not file formal complaints, and (4) the numbers of families who express an inability to access non-public placements for the children.

The Commission acknowledged the need to prioritize its focus in regards to equity between the parties in special education due process hearings and potential methods for improving the process. The Commission agreed to revisit the topic and propose recommendations at the next meeting of the Commission on March 18, 2014.

PUBLIC COMMENT

None

NOTICE OF NEXT MEETING

The Commission will hold its next regular meeting on Tuesday, March 18, 2014, in the Baltimore County Delegation Room, Lowe House Office Building, 6 Bladen Street, Annapolis, Maryland 21401. Driving directions and other information regarding the location may be accessed online at: http://www.dgs.maryland.gov/Facilities/Anne_Arundel/Managed/6_Bladen_St.html.

ADJOURNMENT

With no further business, Ms. Franczkowski adjourned the meeting at 3:40 p.m.

Respectfully submitted:
Marcella E. Franczkowski
Chair

Date: January 10, 2014
Approval Date: March 18, 2014
