

**MINUTES OF THE COMMISSION ON SPECIAL EDUCATION ACCESS AND EQUITY  
for June 13, 2014**

Johns Hopkins University School of Education  
Center for Technology in Education  
6740 Alexander Bell Drive, Columbia, Maryland 21045

The Commission on Special Education Access and Equity held its sixth and final meeting on Friday, June 13, 2014, at the Center for Technology in Education in Columbia, Maryland. The following Commission members were in attendance: Marcella E. Franczkowski, *Chair*, B. Gigi Ayeh-Robertson, Carol Beck, Marie Brayman, Ellen A. Callegary, George Failla, Tomi Fabri, Dorie Flynn, Sandra H. French, Chabre V. Hall, Kalman R. Hettleman, Stephanie E. Livesay, The Honorable Eric G. Luedtke, Leslie Seid Margolis, Gwendolyn J. Mason, The Honorable Karen S. Montgomery, Theresa Parham, The Honorable Paul J. Pinsky, Denise O. Shaffer, and Janet Wilson.

The following staff to the Committee were present: Donna Riley, Branch Chief for Policy and Accountability, Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS); Sheréa M. Makle, Communications Specialist, MSDE-DSE/EIS; Dori Wilson, Branch Chief for Family Support and Dispute Resolution, MSDE-DSE/EIS, and Rosemary King Johnston, Consultant.

Public attendees were: Jeffrey Gladhill, Steve Zepnick, Barbara Krupiarz, Jeanne Taylor, July Reiley, Tiffany Johnson, Amy Mahoney, Rhonda Wimbish, Stacy Goodman, Chris Casey, Cheryl A. McLeod, and Casey Huether.

**WELCOME**

Ms. Franczkowski opened the meeting at 12:10 p.m., and thanked members for agreeing to a “working lunch,” to extend the general meeting time to three hours. Ms. Franczkowski also thanked members for their willingness to express thoughts and opinions and suggest recommendations to improve the special education process for Maryland’s children and families.

**APPROVAL OF MINUTES**

Ms. Franczkowski called for review of the April 16, 2014 Commission meeting minutes. A motion to approve the minutes was made and seconded. The minutes were unanimously approved with amendments made to the presentation summaries (page 4) for Ms. Livesay and Ms. Ayeh-Robertson.

**DISCUSSION AND ACTION ON PROPOSED RECOMMENDATIONS**

Ms. Franczkowski explained that at the request of the Commission, MSDE-DSE/EIS staff provided the proposed recommendations along with an opportunity to provide feedback and share comments prior to the final meeting. Ms. Franczkowski opened the floor for further discussion of feedback submitted through an online survey. With no additional discussion of the electronically submitted feedback, Ms. Franczkowski asked members to turn to the “recommendations section” in the written draft report.

Ms. Franczkowski noted for the Commission that the first four recommendations had been adopted at previous meetings and that the MSDE-DSE/EIS had appended each recommendation with a fiscal estimate of State and local costs. Ms. Franczkowski also noted that **all** recommendations would be included in the final report, with a statement indicating whether or not the recommendation was adopted. Ms. Franczkowski stated that each recommendation would be discussed prior to a roll-call vote to determine if the proposal is adopted. The complete text and outcome of each proposed recommendation may be found in the *Summary of Proposed Recommendations and Cost Estimates* section of the Report.

**(#5) Recommendation to convene a workgroup**

Moved and seconded to consider.

Discussion followed.

Motion to call the question, with proposed amendments to language, motioned and seconded.

Roll call vote: 14 yes, 0 no, 3 abstain. Motion carries.

Motion to call the question, with amended timeline of 9/30/13-6/30/15, and fiscal note added for staffing, moved and seconded.

Roll call vote: 14 yes, 0 no, 3 abstain. Motion carried.

**(#6) Recommendation that the State establish a publicly fund special education advocates**

Moved and seconded to consider.

Discussion followed.

Motion to call the question moved and seconded.

Roll call vote: 0 yes, 10 no, 8 abstain. Motion failed.

**(#7) Recommendation that the State consider statutory or regulatory caps on caseloads**

Moved and seconded to consider.

Discussion followed.

Motion to call the question moved and seconded.

Roll call vote: 9 yes, 4 no, 6 abstain. Motion carried.

**(#8) Recommendation that the State increase special education funding in Thornton formulas**

Moved and seconded to consider.

Discussion followed.

Motion to call the question moved and seconded.

Roll call vote: 18 yes, 0 no, 1 abstain. Motion carried.

**(#9) Recommendation that the State establish the Office of Special Education Ombudsman**

Moved and seconded to consider.

Discussion followed.

Motion to call the question moved and seconded.

Roll call vote: 0 yes, 18 no, 1 abstain. Motion failed.

**(#10) Recommendation for greater emphasis on the role of parent on IEP teams**

Moved and seconded to consider.

Motion to call the question moved and seconded.

Moved a unanimous vote. Motion carried.

**(#11) Recommendation to propose changes to COMAR for parental consent and due process**

Motion to consider moved by unanimous consent.

Discussion followed.

Motion to call the question, with proposed amendments, moved and seconded.

Roll call vote: 6 yes, 11 no, 2 abstain. Motion failed.

**(#12) Recommendation that the State monitor for standards-based results driven accountability**

Motion to consider moved by unanimous consent.

Discussion followed.

Motion to call the question moved and seconded.

Roll call vote 18 yes, 0 no, 1 abstain. Motion carried.

**(#13) Burden of Proof**

Motion moved and seconded to split #13 into two parts.

Motion moved and seconded to accept amendment.

Roll Call vote was unanimous. Motion carried to consider recommendation in two parts.

Motion moved and seconded to call the question first part of #13 pertaining to burden of proof.

Roll call vote: 8 yes, 8 no, 3 abstain. Motion failed.

Motion moved and seconded to call the question second part of #13 pertaining to future legislation to change the burden of proof. The recommendation was ruled out of order. However, the Commission requested that a vote be taken.

Roll call vote: 8 yes, 8 no, 3 abstain. Motion failed.

**Reconsideration of recommendation #7**

Moved and seconded to reconsider amending #7 to include the term “workload.”

Discussion followed.

Motion to call the question. Proposed amendments moved and seconded.

Roll call vote was unanimous. Motion carried to adopt #7 as amended.

**Reconsideration of recommendation #6**

Motion moved and seconded to consider a substitute amendment of recommendation #6 to read: "That the State study the lack of access to legal advocacy for low income families who otherwise would not be able to afford representation at all levels of the special education process from IEP meetings through due process, and to make recommendations to address this issue."

Discussion followed.

Motion to call the question of the substitute amendment as proposed was moved and seconded.

Roll call vote was unanimous. Motion carried to adopt the substitute amendment.

**DRAFT REPORT**

Ms. Franczkowski stated that the Recommendations Summary of the Commission report will be edited to reflect decisions for all recommendations and that the report would be submitted to the Governor and to the Chairs of the House Ways and Means Committee and Senate Education, Health and Environmental Affairs Committee.

**PUBLIC COMMENT**

The following individuals provided public comment: Julie Reiley, Jeanne Taylor, Barbara Krupiarz, Steve Zepnick, Casey Huether, and Chris Casey.

**CLOSING COMMENTS**

Ms. Franczkowski recognized staff from the MSDE-DSE/EIS and thanked the Commission for the professionalism with which each member approached the discussions, recommendations, and work of the Commission.

**ADJOURNMENT**

With no further business, the meeting adjourned the meeting at 3:30 pm.

Respectfully submitted:  
Marcella E. Franczkowski  
Chair  
Date: June 18, 2014