

**MINUTES OF THE COMMISSION ON SPECIAL EDUCATION ACCESS AND EQUITY**  
***for Monday, September 30, 2013***

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 (The Commission) was established through the enactment of House Bill 1161 by the Maryland General Assembly, and is in effect from June 1, 2013 until June 30, 2014. The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) staffs The Commission. Marcella E. Franczkowski, Assistant State Superintendent for the DSE/EIS, is Chair.

The Commission held its first regular meeting on Monday, September 30, 2013, at 1 p.m., at the Johns Hopkins University School of Education, Center for Technology in Education, Columbia, Maryland. The following Commission members were in attendance: Marcella E. Franczkowski, Chair; B. Gigi Ayeh-Robertson; Carol Beck; Marie Brayman; Ellen A. Callegary; Harold J. Cyr; Tomi Fabri; George Failla, Jr.; Sandra French; Chabre V. Hall; Stephanie Livesay; 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; The Honorable Alonzo T. Washington; and Janet Wilson.

Elizabeth Kameen, Principal Counsel for the MSDE; Patricia Foerster, Special Assistant for the Governor's Appointments Office; and the following staff to The Commission were also present: Donna Riley, Branch Chief, Policy and Accountability Branch, DSE/EIS; Rosemary King-Johnston, Consultant; and Sheréa Makle, Communications Specialist, DSE/EIS.

Additional MSDE staff persons in attendance were: Anita Mandis, Section Chief, Complaint Investigations Section, Family Support and Dispute Resolution Branch, DSE/EIS; Marjorie Shulbank, Section Chief, Family Support Services Section, Family Support and Dispute Resolution Branch, DSE/EIS; Dori Wilson, Branch Chief, Family Support and Dispute Resolution Branch, DSE/EIS; and Renee Spence, Executive Director for Government Relations, Office of the State Superintendent, MSDE.

Invited expert panelists in attendance were: Jean Considine, Parent Coordinator, Partners for Success Center, Baltimore County Public Schools; Rhonda Creecy, Parent, Harford County Public Schools; Jeffrey Gladhill, Director of Special Education, Washington County Public Schools; Kathleen Horner, Assistant Principal, Ballenger Creek Middle School, Frederick County Public Schools.

**WELCOME AND INTRODUCTIONS**

As the Commission Chair, Marcella Franczkowski opened the meeting and acknowledged Commission members for their service and commitment to students with disabilities and their families, summarized The Commission's charge under House Bill (HB) 1161, and recognized Delegate Washington and Senator Montgomery for sponsoring the legislation.

On behalf of Governor Martin O'Malley, Pat Foerster welcomed Commission members and expressed the need for pointed recommendations to address the State's role in ensuring access and equity in providing special education and related services.

## **PROCEDURES**

Elizabeth Kameen provided an overview of the Open Meeting Act and applicable procedures for The Commission, including the requirement to hold meetings in public, provide adequate public notice of meetings, and allow the public to inspect minutes and certain other records.

Rosemary King-Johnson summarized meeting rules and logistics.

Donna Riley reviewed The Committee members' resource notebook and related materials.

Marcella Franczkowski explained that The Commission would meet on six separate occasions, with each meeting to focus on one of the specific topics outlined in HB1161. The topics are: 1) Procedural Safeguards; 2) Eliminating Disparities; 3) Equity in Due Process Hearings; 4) Caseload and Paperwork; 5) Other Issues; and 6) Cost of Proposals. The Commission is charged to report its finding and make recommendations to the Governor, the Senate Education, Health and Environmental Affairs Committee, and the House Ways and Means Committee by June 30, 2014.

Marcella Franczkowski stated that the focus for this first meeting of The Commission would be an examination of the extent to which parents and guardians of students with disabilities are made aware of their rights under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), and State law and regulations regarding children with disabilities and the potential ways to improve the awareness of these rights.

## **OVERVIEW**

Marcella Franczkowski described the work of the DSE/EIS, including its focus on strengthening a birth through 21 system of coordinated services for children and students with disabilities and their families, implementing a bold Birth-21 Strategic Plan focused on narrowing performance and achievement gaps, and the reorganization of the DSE/EIS to support a Birth-21 focus and matrix leadership across branch functions. Specific focus was given to the Family Support and Due Process Branch structure and priorities and the DSE/EIS leadership support from the State Interagency Coordinating Council (SICC) and Special Education State Advisory Committee (SESAC).

## **EXPERT PANEL**

Marcella Franczkowski introduced the expert panelists.

Rhonda Creecy shared her perspective and experience as a parent of a student with disabilities. She expressed the need for individualized support to assist families to understand procedural safeguards, particularly for military families. Ms. Creecy recommends a verbal summary of the specific IEP team meeting issues be provided to families ahead of time in case the family is unable to review the entire procedural safeguards notice.

Discussion followed.

- Delegate Luedtke asked if a Procedural Safeguards introduction or overview was provided to families in advance of the IEP team meeting.
- Senator Pinsky asked if the IEP team seemed open to suggestions and what level of detail would be needed for the recommended verbal summary of procedural safeguards.
- Ms. Brayman asked if local family support services provide outreach and detailed information for families.

Kathleen Horner shared her perspective and experience as an IEP Team Chair. She shared that the IEP Team tries to conduct the meeting in a manner that encourages parents to ask questions and get all the support they need to be informed decision makers. Ms. Horner provides an overview of the handbook. Emphasizing, "we're all in this together," Ms. Horner expressed that the IEP teams should welcome the participation of advocates and anyone who has a voice in a child's education.

Discussion followed.

- Ms. Livesay asked if a 10-15 minute one-to-one discussion would be an opportunity for a parent to be informed about special education and the related processes.
- Ms. Beck asked how the local jurisdiction feels about the presence of advocates.
- Delegate Luedtke, in reference to self-advocacy and cultural differences regarding family empowerment, asked What is in place to engage families in the process if, for example, a cultural difference exists that causes the family to defer to "authority."
- Delegate Washington asked if case managers are trained to identify and address cultural barriers.

Jean Considine shared her perspective as a Family Support Services coordinator. Families must be met where they are. The primary concern must be what families are receiving. There is a lot of information that parents are responsible for knowing. It's important to ask families what they need. Empowerment is important. Baltimore County provides workshops and collaborates with State, local and community partners. Ms. Considine recommends a consideration of family support personnel to build capacity to ensure outreach, support, and resources to families. Web pages, emails, phone support, face-to-face support is provided. Quarterly meetings are held to share resources among local partners. Workshops are held throughout the year and scheduled for evenings, weekends, etc. to meet the needs and schedules of families.

Discussion followed.

- Ms. Beck asked if all jurisdictions or local school systems have family support services coordinators.
- Ms. Parham asked how we provide procedural safeguards documents and support for families with limited resources including illiteracy, no access to phones, and communities where face to face meetings may not be safe options).
- Ms. Ayeh-Robertson asked if the procedural safeguards booklet had been considered for videoing.
- Ms. Margolis asked that consideration be given to making meeting experiences more welcoming or less intimidating to encourage parents to interact with IEP teams and local school systems.

Jeffrey Gladhill shared his perspective as a Director of Special Education for a local school district. He expressed that relationships with families are critical and suggested speaking with parents prior to IEP team meetings. Mr. Gladhill shared that in his jurisdiction, monthly meetings are scheduled with case managers, local leaders work collaboratively with State and regional partners, and that regular professional development workshops and meetings are held to keep staff, stakeholders, and families informed,

Marjorie Shulbank and Anita Mandis shared the perspective of informal and formal family support at the State level. Ms. Shulbank expressed that the DSE/EIS ensures families have access to information, the local family support services coordinators, and networks. Family support averages 900 specific calls per month. Four family support services coordinator positions support Ms.

Shulbank at the school level. Families are supported to assist families and remedy situations before the formal process is needed. Ms. Mandis stated the importance for families to know when their procedural safeguards need to be accessed. Ms. Mandis and her team spends time speaking to families when families make allegations regarding services in order to get as much information as possible and stay in touch with the families during investigations.

Discussion followed.

- Ms. Livesay asked that professional development provided in each jurisdiction needs to be considered to make sure all parties in the local school system understand procedural safeguards and are able to explain to and provide support to families.
- Ms. Beck asked if there is data that The Commission could use regarding progress being made related to the calls being received by the Division.

## **RECOMMENDATIONS**

Based on the expert panel presentations and discussions, the following recommendations were recorded by The Commission:

1. Jurisdictions will utilize a variety of methods to share procedural safeguards with families/parents/guardian and students including:
  - Video presentation
  - 1 to 1 meeting/presentation
  - Summaries of procedural safeguards document
  - Check list
  - Reference sheet of procedural safeguards (“Cheat Sheet”).
2. A local school system representative meets/speaks individually with family/parent/guardian and students (as appropriate) to determine their preferred method of communicating/sharing procedural safeguards and information will be shared in the preferred manner.
3. Professional development for school system personnel will include the recognition of the differentiation needed when providing training to personnel for sharing procedural safeguards and the variety of communication methods that can be utilized to meet the individual needs of families, parents/guardians and students (as appropriate).
4. Local school systems will adopt practices that will ensure the ability of school system personnel to accurately explain the procedural safeguards.
5. The State Education Agency (SEA) and the local education agency (LEA) will mandate professional development for school based staff, IEP team members, school based and central office administrators designed to ensure the understanding, implementation, and explanation of the procedural safeguards using a variety of presentation methods.
6. Professional development opportunities will be jointly provided for school system personnel and families/parents/guardians and students (as appropriate).

**PUBLIC COMMENT**

No public comments were made.

**CLOSING COMMENTS**

Delegate Pinsky requested that for all future meetings, more time be allotted for The Commission to discuss, deliberate and form recommendations.

**ADJOURNMENT**

With no further agenda items, Ms. Franczkowski adjourned the meeting at 3:15 p.m.

Submitted:

Marcella E. Franczkowski, M.S.  
Chair

Date: September 29, 2013  
Approval Date: November 25, 2013