

STATE SPECIAL EDUCATION ADVISORY COUNCIL
National Conference Center at the Holiday Inn
399 Monmouth Street
East Windsor, NJ 08520

MINUTES

Thursday, October 18th, 2007

Members in attendance: Dr. Sharon Maricle, Dr. Howard Lerner, Philip Gartlan, William Sellar, Scott Elliott, Melinda Jennis, Katherine Roberson, Angela Durso, Blanche Stetler, Carolyn Hayer, Kathleen Mullery

Members not in attendance: Dr. Norma Blecker, Debra Fernandez

Resource Representatives in attendance: Donna Brown, Gordon Reibman, Elizabeth Collins

Resource Representatives not in attendance: Debbie Stewart

Guests and members of the public: Dianne Malley

I. ACCEPTANCE OF SEPTEMBER MINUTES

The meeting was officially called to order at 9:37 a.m. by Chairperson Sharon Maricle. With the addition of The Committee of the Whole to the Standing Committees, the September minutes were approved and seconded. **All in favor.**

II. SUBCOMMITTEE BREAKOUTS

Simultaneously, the Transition and the Inclusion Committees met in their respective groups to share discussion on developments and new initiatives. The Inclusion Committee focused on Universal Design for Learning (UDL) and was facilitated by Joe Seaman and Linda Carmona-Bell from the Office of Educational and Informational Technology. Bob Haugh, from the Office of Program Development, was the facilitator for the Transition Committee. In addition to his presentation, Pathways to Adult Life, Bob gave an update on the Post-School Outcomes Project. Adding to the discussion, Ms. Laura Kay, representing the Family Support Center of New Jersey, spoke on the three phases of transition that her organization coordinates: Infant through age 14, Ages 14 through 19 and Life after 21.

III. DIRECTOR'S UPDATE

CORE Legislation - Bill (A4):

Dr. Wohle shared highlights from state legislation, passed in April 2007, that implements CORE proposals, including "Uniform Shared Services and Consolidation Act" and revision of county superintendents schools title and duties. Included in the bill are specific functions of the county office regarding the coordination of in-district programs for students with disabilities. Specific provisions of the bill include:

- o. Coordinate with the Department of Education to maintain a real time Statewide and district-wide database that tracks the types and capacity of special education programs being implemented by each district and the number of students enrolled in each program to identify program availability and needs;
- p. Coordinate with the Department of Education to maintain a Statewide and district-wide list of all special education students served in out-of-district programs and a list of all public and private entities approved to receive special education students that includes pertinent information such as audit results and tuition charges;
- q. Serve as a referral source for districts that do not have appropriate in-district programs for special education students and provide those districts with information on placement options in other school districts;
- r. Conduct regional planning and identification of program needs for the development of in-district special education programs;
- s. Serve as a liaison to facilitate shared special education services within the county including, but not limited to direct services, personnel development, and technical assistance;
- t. Work with districts to develop in-district special education programs and services including providing training in inclusive education, positive behavior supports, transition to adult life, and parent-professional collaboration;
- u. Provide assistance to districts in budgetary planning for resource realignment and reallocation to direct special education resources into the classroom;

IDEA Regulations: Identification of Specific Learning Disabilities:

Dr. Wohle reviewed the Individuals with Disabilities Education Act (IDEA 2004) regulations regarding the identification of students with specific learning disabilities, highlighting areas that have implications for revisions to New Jersey special education regulations. Specifically, the regulations include the following:

1. Add procedures for identifying children with specific learning disabilities

New Jersey will propose regulations that continue to allow districts to use either a discrepancy formula or use of a Response to Intervention Process in the determination of a specific learning disability.

New Jersey regulations already include the requirement to document the type, frequency and duration and effectiveness of interventions. New Jersey will include complementary federal requirements for data-based documentation, when it proposes to change the current regulations.

2. Require additional group members

New Jersey already requires the listed group members for the identification and eligibility determinations.

3. Add criteria for determining the existence of a specific learning disability.

New Jersey regulations already include mathematical problem solving and reading fluency skills. New Jersey already regulations include Limited English proficiency as part of the exclusionary criteria.

4. Describe the required observation

The observation is already required by New Jersey regulations.

5. Specify documentation required for the eligibility determination.

New Jersey will propose regulations that include each of the federal requirements.

Documentation of determination of eligibility must contain:

- Whether the child has a specific learning disability;
- The basis for making the determination, including an assurance that the determination has been made in accordance with 34 CDR 300.306(c)(1);
- The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- The educationally relevant medical findings, if any;
- Whether the child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with 34 CFR 300.309(a)(1); and the child does not make sufficient progress to meet age or State-approved grade-level standards consistent with 34 CFR 300.309(a)(2)(i); or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with 34 CFR 300.309(a)(2)(i); or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards or intellectual development consistent with 34 CFR 300.309(a)(2)(ii);
- The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and
- If the child has participated in a process that assesses the child's response to scientific research-based intervention:
 - The instructional strategies used and the student-centered data collected; and
 - The documentation that the child's parents were notified about: (1) the State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; (2) strategies for increasing the child's rate of learning; and (3) the parents' right to request an evaluation.

Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

[34 Cdr 300.311] [20 U.S.C. 1221e-3; 1401(30); 1414(b)(6)]

FUTURE COUNCIL MEETINGS

Roberta will pursue a future Council meeting date with Assistant Commissioner of the Division of Student Services, Barbara Gantwerk and the Commissioner of Education, Lucille Davy to hear their priorities and visions for the Department of Education, with particular regard to students with disabilities.

IV. COUNCIL DISCUSSION

Dr. Maricle thanked Subcommittees and facilitators for their input into the morning breakouts giving both quality time and energy to updates and concerns in each respective committee. She sensed members left their groups having greater depth and breath to continue their committee work.

V. MEMBERS OF THE PUBLIC

Diane Malley, from SPAN, thanked the Council for their continued work on issues affecting students with disabilities

VI. LUNCH

VII. COMMITTEE REPORTS

Transition Subcommittee

Actions/Activities:

- Look at "Transition" – specific areas of code

Goals & Objectives:

- Two Questions
 - 1) Should anything be strengthened or added?
 - 2) Are there things in code to which we are not paying attention?

Suggestions/Recommendations:

- 1) Employment/Community participation
- 2) Transition from state facilities to new districts and out-of-district placements (DYFS, Mental Health, Juvenile Justice)
- 3) Districts are hiring special transition coordinators – Do we want to come up with recommended roles/responsibilities
- 4) Inter-Agency collaborators/collaboration with community resources with support (DYFS, Mental Health, Juvenile Justice)

Inclusion Subcommittee

Actions/Activities:

- Presentation – UDL – Based on Two Questions
 - 1) How do we get UDL accepted?
 - 2) How can we utilize UDL to move Special Education Students to General Education?

Goals & Objectives:

- Need to collaborate with the Standards Office to incorporate UDL into School Districts, specifically in the areas of curriculum and professional development.

Suggestions/Recommendations:

- Kick-off Conference for UD.

VIII. ADJOURNMENT

The meeting was adjourned at 1:40 p.m. The next meeting of the Council is scheduled on Nov.15th, 2007 at the Holiday Inn in East Windsor.