

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

MINUTES

Thursday, January 17th, 2008

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

Members not in attendance: Dr. Norma Blecker, Melinda Jennis, Philip Gartlan

Resource Representatives in attendance: Gordon Reibman, Elizabeth Collins

Resource Representatives not in attendance: Donna Brown, Debbie Stewart

Guests and members of the public: Pamela Wood, Lynn Guiser, Susie Raczkiewicz, Sol Heckelman

I. ACCEPTANCE OF DECEMBER MINUTES

The meeting was called to order at 9:40 a.m. by Chairperson Sharon Maricle. The December minutes were approved and seconded. **One abstention. All in favor.**

II. PRESENTATION

Commissioner Davy was unable to attend the meeting due to an unanticipated schedule conflict. Her attendance at a SSEAC meeting will be rescheduled.

Cynthia Hoenes, Coordinator of Dispute Resolution, Office of Special Education Programs, spoke to members on the topic of Dispute Resolution – Under IDEA 2004.

Handout: Dispute Resolution Flow Chart

Ms. Hoenes presented the topic of mediation and due process procedures as required by IDEA 2004. She explained how the NJOSEP processes all requests and how mediation and due process systems operate. In addition, she reviewed statistics as reported in the State's Performance Plan (SPP) related to mediation and due process.

Handout: Senate Bill, No. 2604 (11/9/07)

Ms. Hoenes explained this Bill sponsored by Senator Stephen M. Sweeney, District 3 and Senator Joseph Doria, District 31 -_Synopsis: Places the burden of proof and burden of production on school districts in due process hearings conducted to resolve special education issues. She further explained that the burden of proof and production went back to the districts as of January 13, 2008 with the signing of the above bill. This changes the burden which was switched to the party filing the petition as of result of a US Supreme Court decision in November 2005.

III. DIRECTOR'S UPDATE

School Funding Formula:

The Commissioner and staff from the NJDOE met with representatives from the special education advocacy community on December 31, 2007 to hear concerns regarding the proposed school funding formula.

The new school funding formula was passed on January 8, 2008. The funding formula was adopted with the following extraordinary aid thresholds:

- The threshold will be \$40,000 for an individual pupil with disabilities educated in an in-district public school program (building with non-disabled peers); the extraordinary special education will equal 95% of the district's actual costs for instructional and support services
- The threshold will be \$40,000 for an individual pupil with disabilities educated in a separate public school program with the extraordinary aid equal to 85% of the district's actual costs
- The threshold will be \$55,000 for an individual pupil with disabilities educated in a separate private school for students with disabilities.

Response to Intervention:

The following individuals met with Willa Spicer, Deputy Commissioner of Education, New Jersey Department of Education, to discuss their perspectives regarding information presented at the federally sponsored Response to Intervention (RTI) Summit held on December 6-7, 2007.

Barbara Gantwerk	NJDOE, Division of Student Services
Roberta Wohle	NJDOE, Office of Special Education Programs
Mary Ann Capetola	NJDOE, Office of Reading First
Carolyn Hayer	Statewide Parent Advocacy Network
Jerry Woehr	New Jersey School Administrators Association
Amy Fratz	New Jersey Education Association
Anthony Scanella	New Jersey Principals and Supervisors Association/Foundation for Educational Administration

The basic principles and components of most RTI systems were discussed, along with similarities to the NJ Reading First initiative and the NJOSEP positive behavioral support initiative. In addition, implementation issues were discussed. Dr. Spicer suggested that as a next step, the NJDOE identify districts with high and/or low eligibility rates and examine the extent to which they use one or more components of an RTI system e.g. universal screening, ongoing progress monitoring, data-based decision-making, differentiated instructional groups, tiered academic and/or behavioral interventions.

State Determinations of Local Districts:

NJOSEP is preparing the State determinations of local district implementation of state and federal special education requirements for distribution to the districts at the end of the month. As indicated to the SSEAC at previous meetings the determinations would be based on the following factors:

- Whether the local district corrected noncompliance identified through monitoring activities or other general supervisory activities, in a timely manner

- Whether the local district demonstrated progress in correcting noncompliance
- Whether the NJOSEP needed to provide ongoing oversight as part of its general supervision, to facilitate progress of the local district in correcting noncompliance
- Whether the local district was identified for “Significant Disproportionality” of specific racial/ethnic groups with regard to eligibility or placement determinations, as indicated in its IDEA '08 grant notice
- Whether the local district was identified for the 2006-2007 self-assessment process based on the percentage of students with disabilities educated in separate public and/or private special education settings
- Whether the local district’s data submissions were received by NJOSEP in a timely manner.

IV. COUNCIL DISCUSSION

The council discussed and approved a new “Parent Organization Subcommittee” with three current members assigned to it: Melinda Jennis, Angela Durso, and Kathleen Roberson. The function of this subcommittee will be to meet and report back to the Council on recommended operations and use of the “parent advisory committee” provided for in New Jersey Special Education Regulations.

V. MEMBERS OF THE PUBLIC

Pamela Wood recommended that the NJOSEP include a resolution form for agreement in the Parental Rights in Special Education document. Additionally, she asked several questions in response to the presentation on due process and mediation.

Lynn Guiser recommended the development of guidelines to prevent disputes.

VI. LUNCH

VII. COMMITTEE REPORTS

Transition Committee

The committee would like to work on identification of appropriate text in code so that it will include language of social skills “best practices.” The committee would like to explore other documents and talk with Bob Haugh/Bill Freeman about their trainings on this topic.

Inclusion Committee

The Inclusion Committee was looking for information on key educational practices that should be available in all LEA's that can diffuse the line between special and general education including but not limited to:

- inclusive facilities
- behavior specialists
- math specialists
- reading coaches

The committee would like to invite Paula Lieb from the New Jersey Coalition for Inclusive Education to a future meeting. The committee would also like information on quality indicators for special education.

VIII. ADJOURNMENT

The meeting was adjourned at 1:40 p.m. The next meeting of the Council is scheduled on February 28, 2008, at the Holiday Inn in East Windsor.