

**SPECIAL EDUCATION ADVISORY COMMITTEE
MEETING MINUTES**

WEDNESDAY, DECEMBER 9, 2020 – 1:00 P.M. TO 4:00 P.M.

Public Meeting at:

Zoom Meeting

<https://us02web.zoom.us/j/81682927749?pwd=ZHRNOHVYUUVVJVnhKNlIXZDJVMCttQT09>

Meeting ID: 816 8292 7749

Passcode: 2020

1. INTRODUCTION. The regular meeting of the Special Education Advisory Committee (SEAC) was called to order. Roll call was taken, and quorum was determined:

Present: Josh Baker, Brian Brill, Ivy Burns, Mariana Delgiudice, MaryAnn Demchak, Penni Echols, Candace Emerson, Sara Jorgensen, Kati Layosa, Ellen Marquez, Travis Mills, Mathew Montgomery, Diana Padua, Melina Proffitt, Jodee Prudente, Lisa Rosas, Karen Taycher, and Jennifer Van Tress

Absent: Diana Cannon, Marva Cleven, Jessica Dunn, Danielle Fredenburg, Connor Fogal, Shirley Gaw, Roy Harvey, Ellen Richardson Adams, Jesse Rojas-Espinoza, Aliceandrea Untalan, and Rosalie Woods

Staff: Will Jensen, Kim Boles, Jessica Boles, Daina Loeffler, Austin Olson

Presenters:

Public: No Public

2. PUBLIC COMMENT #1

No public comments at this time.

3. APPROVAL OF FLEXIBLE AGENDA

Motion: Brian Brill moved to approve the flexible agenda. Sara Jorgenson seconded the motion. The vote was called, and the motion carried without objection.

4. APPROVAL OF MINUTES

The minutes of the October 14, 2019 meeting were reviewed and discussed. There were no other changes or corrections offered at this time.

Motion: Karen Taycher moved to approve the minutes. Travis Mills seconded the motion. The vote was called, and the motion carried without objection.

5. APPROVAL OF DRAFT CRITERIA DOCUMENT ON LANGUAGE DEVELOPMENT FOR CHILDREN WHO ARE DEAF, HARD OF HEARING, BLIND OR VISUALLY IMPAIRED.

Draft document on Language Development for children who are Deaf, Hard of Hearing, Blind or Visually Impaired was provided. Possible action may include a recommendation for submission to the State Board of Education. Discussion ensued:

- 3 responsibilities outlined in the bill.
 - Responsibility 1: Review and make recommendations relative to evaluation criteria and existing tools and/or assessments for parents or guardians to use to evaluate the development of language and literacy skills of children who are less than 6 years of age who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, who communicate using primarily spoken or written English, with or without the use of visual supplements, or American Sign Language; or read using braille.
 - Responsibility 2: Determine how often the tools and/or assessments reviewed should be used for children who are less than 6 years of age who are deaf, hard of hearing, blind or visually impaired, including, without limitation, children who are both deaf and blind, who communicate using primarily spoken or written English, with or without the use of visual supplements, or American Sign Language; or read using braille.
 - Responsibility 3: Identify expressive and receptive language and literacy skills for children who have typical development, including, without limitation, children who do not have a disability, and according to the age of the child.
- Just completed the work last week.
- Asking SEAC to approve the document to follow the next step to get it approved by the State Board of Education.
- Members Parents, deaf individuals, experts in deaf education and experts in educating children with visual differences.
- Relied a lot on other states examples, only state who included deaf blind as well as visually impaired. California, Oregon, and Louisiana, that had comprehensive work already done on this topic.
- Main purpose of SB203 is to take the document and present to the State Board of Education then they are going to create a resource for parents and professionals as well as data tracking.

- SB203 called for committee work with special education stakeholders. Took it through the SEAC with permission. Pandemic happened and was delayed.
- After SEAC approves this, it goes to the State Board of Education meeting on Jan 28th. Present it and see what is recommended and that will inform the next steps.
- Depending on what the State Board decides, it is possible to go into NAC or into guidance.

Motion: Brian Brill moved to approve the document as is onto the State Board of Education. Travis Mills seconded the motion. The vote was called, and the motion carried without objection.

6. SPECIAL EDUCATION INITIATIVES

Alternative Learning Plans During the Pandemic

The director of the Office of Inclusive Education at the Nevada Department of Education provided information on alternative learning plans during the pandemic for students with disabilities. Discussion ensued:

- The Department has been looking at some student alternative learning plans. Looking at documents associated with those plans and information sent to parents. Working with LEAs in schools to correct some that were not in accordance with IDEA.
- How the FAPE is delivered during this pandemic, not changing it.
- Alternative learning plans are not a bad thing as long as everything is in order.
- Alternative plans do not replace the IEP. FAPE is still in place and FAPE is found in the IEP. Should not be changing minutes, adding or removing services.
- Recommendation that this information is shared at SEDA. Correct use and inform February SEDA meeting.

Motion: Karen Taycher motioned for the Department to share the Alternative Learning Plan information at the February Special Education Directors Association Meeting. Ivy Burns seconded the motion. The vote was called, and the motion carried without objection.

7. PROGRAM SPOTLIGHT

Educational Options in Nevada During the Declaration of Emergency

The committee received an update regarding educational options in Nevada during the worldwide pandemic. Possible Action may include a recommendation to the Department of Education. Discussion ensued:

- COVID-19 and Students with Disabilities Document. All of these can be found on the Department website.
- Schools were asked to submit plans over the summer for the opening of school. Could include 3 different types of instruction: face to face, total distance, or a hybrid model.
- Governor allowed school districts to make the choice, based on parent and staff choice.
- Students with disabilities or health issues where the general order of emergency didn't cover. School districts were allowed to ask for accommodations.
- COVID-19 and Students with Disabilities document was sent out. Contains most common questions that came up. This is guidance and not always binding.
- Questions:
 - Question 1: Is the requirement to provide FAPE to students with disabilities waived as a result of the prolonged impact of COVID-19?
 - Question 2: Does the circumstance of COVID-19 change the definition of a FAPE for an individual student?
 - Question 3: What is the relationship between a student's IEP and a school's plan to implement the student's IEP during the pandemic, such as COVID-19 distance learning plan?
 - Question 4: Can a LEA require parents of a student with a disability to waive rights under the IDEA or NRS/NAC Chapter 388 as a condition to receive special education or related services?
 - Question 5: Are the evaluation, reevaluation and IEP timelines under the IDEA and NAC, Chapter 388, still in effect during this pandemic?
 - Question 6: What is the role of data collection, progress monitoring, and reporting for each student with a disability during the implementation of alternative delivery plans?
 - Question 7: If chronic absenteeism or removal of the student from school by the parent causes a student to repeatedly miss the instruction or services made available to the student in accordance with student's IEP, what obligation does the LEA have with regard to providing the student a FAPE?
 - Question 8: Given the alternative delivery of some or all of a student with a disability's IEP services during this pandemic was caused by an unprecedented national emergency beyond the control of the LEA, does the LEA still have to address the student's resultant loss of skills/regression and/or the failure to progress?
 - Question 9: What flexibilities are available to a LEA during this pandemic with regard to obtaining parental consent and the issuance of Prior Written Notices and Procedural Safeguard Notices?

- Question 10: How can parents and LEAs resolve a disagreement regarding the provision of a FAPE to a student with a disability during this pandemic and/or the appropriate remedy?
- Question 11: During the closure of, or restricted access to, public buildings and facilities and health/safety orders and concerns in the State of Nevada during the pandemic, is it permissible to use alternative means, such as video conferencing, to conduct resolution meetings, mediations and due process hearings?

Compensatory Education

The committee will receive information regarding compensatory education options in Nevada. Possible Action may include a recommendation to the Department of Education. Discussion ensued:

- Each district needs to decide how they want to handle compensatory education.
- The Department shares the information with the directors, and they take that information and make a decision.
- Reference back to Question-and-Answer Document the 7 questions are going to be foundational, especially question 4.
- With situations you need to go back to district for how to respond to, talk to principle and teachers.
- All students with disabilities have the right to compensatory education remedy.

Motion: Mathew Montgomery motions that Office of Inclusive Education provide advisement to each district include forethought on compensatory education and a development of a plan, thereto. Kati Layosa seconded the motion. The vote was called, and the motion carried without objection.

8. FUTURE AGENDA ITEMS

- Behavior and Discipline (departments intention to support school district) – Karen Taycher
- Guidance for students to “Walk” with adjusted diploma – Karen Taycher
- Break down indicator data by disability category
- Legislative Outcomes – Fall
- Use of cameras in classrooms
- Accessibility for documents, watermarks aren’t read on screen readers- Ellen Marquez
- Technology for students/kids- Brian Brill
- Process to make ourselves available to legislators as they formulate legislation- Penni
- Cover NELIS/EDtracks, legislation- Will

- Proposed bills for upcoming- Sara (keep item on until session is over)
- Relevant OSEP guidance- Karen

Program Spotlight

- Rural Regional Resource Centers –being part of transition, equity from rural to urban, consistency statewide
- NDALC
- Focus Program – UNLV
- Self-Advocacy Program – Jesse
- Supported Decision Making- Homa Woodrum
- Circle of Friends/Support- Cheryl Catsmark

Special Education Initiatives

- Data on inclusion of young students with disabilities

IDEA Spotlight – Legal Requirements/Evidence Based Practice

- Linkage to IEP
- Case Law
- MOE
- Transition
- Behavioral entitlements of students with disabilities, risk assessment
- Suspension/Expulsion
- Implications of ENDREW

9. PUBLIC COMMENT #2

None at this time

10. ADJOURNMENT

The next regular SEAC meeting is Feb 11, 2021. NEW LOCATION: Zoom Meeting Platform