

**STATE BOARD ADVISORY PANEL
FOR SPECIAL EDUCATION**

The Arizona State Advisory Panel for Special Education held a meeting at Arizona Department of Education, 1535 W. Jefferson, Room 417, Phoenix, Arizona, on November 20, 2007, from 9:30 a.m. to 3:30 p.m.

Members Present

M. Diane Bruening
Ronald L. Clanton
Jay Dashefsky
Susan Douglas
Ileen G. Herberg
Robert Hill
Alecia Jackson
Gail Jacobs, Ed.D.
Dr. Ida Malian
Kathy McDonald
Terisa Rademacher, Co-chair
Kay B. Turner, Ed.D, Vice-chairperson
Nancy Williams

Others Present

Valerie Andrews, ADE/ECSE
Cynthia Bolewski, ADE/ESS
Colette Chapman, ADE/ESS
Diane Mignella, ADE/ESS
Jeannette Zemeida, ADE/ESS

Members Absent

Molly Bright
Jason Geroux
Phyllis Green
Mattie McVey Lord
Jean Sargent Richards, Ed.D
Kim Simmons

Minutes Approved (As Read)(As Amended)

Chairperson: _____

Signature

Date

Topic	Discussion	Outcome
1. Call to order.	Teri Rademacher, Co-Chairperson, called the meeting to order at 9:39 a.m. Meeting start time was delayed due to lack of quorum.	1. None
2. Panel Introductions.	Attending SEAP members introduced themselves, informed everyone which category they were representing and gave a brief description of why they became members.	2. None
3. Public comment.	Ms. Rademacher welcomed the public in attendance. She explained to those present the procedures for making a comment. Anyone wishing to comment on an agenda item was asked to fill out a brief questionnaire stating which agenda item they wished to comment on. That person would then be called on when that item was discussed.	3. None
4. Special Education Advisory Panel	<p>John Copenhaver, Director of Mountain Plains Regional Resource Center updated the Panel on their responsibilities as a Panel.</p> <p>Mr. Copenhaver spoke briefly about the new Panel member orientation which was held the night before. He felt that the new members would be an asset to the Panel.</p> <p>The next round of states to be monitored by the Office of Special Education Programs (OSEP) will probably be announced after the first of the year. Mr. Copenhaver believes that Arizona will be included in the group due to the need for improved Part C intervention.</p> <p>Mr. Copenhaver briefly reviewed Special Education Terminology and the history of special education reauthorization from 1965 - 2004. The program started with Access, moved to Procedural Safeguards, and then to Accountability and then to Results.</p> <p>Mr. Copenhaver reviewed the purpose of the Panel. The biggest purpose is to provide guidance to the ESS staff. He also reminded the Panel that it is important to meet with the Part C counterpart group in order to share information.</p> <p>Mr. Copenhaver informed the Panel that some states have a cadre of alumni members. It is a small group of former Panel members who are called upon to be surrogates in the event that a current member is unable to attend the meeting. The Alumni member would help to ensure a quorum was available for the meeting. To do this would require adding it into the bylaws</p> <p>Mr. Copenhaver gave the Panel some suggestions for increasing Panel participation and membership. Panel members are encouraged to bring friends to the meeting. The dissemination of brochures and business cards is another idea. The website can also be used to enhance stakeholder participation. He suggested marketing the SEAP website at state conferences. Other states move their meetings from city to city. Some Panels also have presentations at state conferences. Other Panels also have a 1-800 number set up during a</p>	4. None.

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	<p>scheduled time during the meeting for public comment.</p> <p>Mr. Copenhaver suggested posting the annual report on the website. He also reminded the Panel to send copies of the annual report to the State Board members and a courtesy copy to Mountain Plains Regional Resource Center.</p> <p>Mr. Copenhaver suggested that SEAP keep in contact with OSEP by inviting them to a 15-minute conference call once a year to update them on Panel activities and to find out what is going on in Washington, DC. He also suggested that a complimentary copy of the annual report be sent to them.</p> <p>The State Performance Plan, the Annual Performance Report, the results of the monitoring by OSEP and the levels of determination are the main points that SEAP will be focusing on in the near future.</p> <p>Some of the functions of the Panel are: addressing unmet needs, the State Performance Plan, help develop corrective action plans, helping to develop coordinating services [Memos of Understanding (MOU)] with other agencies and findings of Due Process Hearings.</p> <p>Mr. Copenhaver suggested ways that members of the Panel can get their advice and information out of the Panel instead of just listening to reports by outside individuals. He suggested that a section be put in the agenda for "Suggestions and Advise to the SEA". The Panel can also compose Letters of Position to the ESS or other agencies. These usually emerge from agenda items. Some states set 3 or 4 priorities for the year. The most important document that the Panel creates is the Annual Report. In response to Panel questions, Mr. Copenhaver suggested that the Panel could also begin each meeting by hearing stakeholder concerns.</p> <p>Arizona will soon be involved in the OSEP monitoring. The monitoring was formerly called the Continuous Improvement Monitoring Process, and states did their own assessment. The focus is now on the State Performance Plan and improvement strategies. There are 3 levels of verification. The first level is earned when OSEP feels the state is doing a great job. Level 2 is a desk audit and individuals from the Department come and visit the state. Arizona will probably receive a Level 2 verification. The focus will be on fiscal accountability, general supervision and the monitoring process. Level 3 verification is where Department representatives visit the state and go out into the school districts.</p> <p>SEAP will have a role in the OSEP monitoring as well. OSEP will want to visit with the Advisory Panel and talk about how it feels Arizona is exercising its general supervision leadership and responsibilities. Mr. Copenhaver suggested that the Panel focus on the</p>	

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5. Approval of September 25, 2007 minutes.	<p>positive and not the negative. The second part of the SEAP role will be to help develop the corrective action plan for any area that OSEP feels is out of compliance.</p> <p>Mr. Copenhaver fielded questions from the Panel.</p> <p>Sue Douglas made a motion which was seconded by Robert Hill to approve the minutes of the September 25, 2007 minutes.</p> <p>Kay Turner made changes to Section 8 of the minutes of the September 25, 2007 meeting.</p> <p>Panel had questions regarding the State Performance Plan Indicators. This section of the minutes will be sent to Dr. Lynn Busenbark who did not comment on the minutes prior to the November meeting.</p> <p>Valerie Andrews corrected Mark Nagasawa's position title from Director to Specialist (Section 5).</p> <p>The motion for approval was defeated.</p> <p>Approval of the September minutes was tabled until the January meeting.</p>	5. Motion defeated.
6. Medicaid School Based Claiming Program	<p>Melinda Hollinshead, PhD., Program Manager, Arizona Health Care Cost Containment System (AHCCCS) and Tricia Krotenberg, MBA, M.Ed., Program Manager, AHCCCS, provided information on the Medicaid School Based Claiming Program (MSBC) to the Panel. Both Dr. Hollinshead and Ms. Krotenberg are Program Managers for this program.</p> <p>There are two parts to MSBC: direct service claiming --the direct delivery of medical services and Medicaid Administrative Claiming (MAC) -- reimbursement for administrative outreach activities to students who may qualify for Medicaid.</p> <p>Direct Service Claiming (DSC) receives the most reimbursement for school districts. Schools were reimbursed \$30 million last school year. The MAC program received about \$4 million. DSC has been in operation since 2001 and MAC has been in existence since 1998. Since 2001 schools have been reimbursed over \$300 million for both programs.</p> <p>There was a discussion on billing Medicaid versus third party insurance. Parents expressed their concerns on confusion on this issue. Parents are afraid to sign the Parental Consent form regarding billing because they don't understand the billing system. Dr. Hollinshead and Ms. Krotenberg explained how the billing system works. If parents don't sign it is typically because they don't understand the billing system and are afraid that school services will affect their</p>	6. None

Topic	Discussion	Outcome
	<p>lifetime cap for services with Medicaid.</p> <p>The DSC program is a federal reimbursement program designed to help Local Education Agencies (LEAs) obtain reimbursement for <u>some</u> of the costs associated with providing certain <u>medically necessary</u> services mandated by the IDEA. Included in this are physical therapy, occupational therapy, speech therapy, audiology, nursing services, health aides (paraprofessionals), educational aides, and transportation. The program started in Arizona with an IGA with the Dept. of Education. This allows AHCCCS to administer the program.</p> <p>Ms. Krotenberg and Dr. Hollinshead answered a Panel member's question regarding durable medical equipment reimbursement.</p> <p>The MAC program allows LEAs to obtain reimbursement for outreach activities that are provided to Medicaid eligible students. The paperwork for this claim is very labor intensive so many school districts choose to not participate.</p> <p>AHCCCS contracts with a Third Party Administrator (TPA) to administer the MSBC programs. As of January 1, 2004 MAXIMUS holds this 5-year contract. Their responsibilities include: contracting, outreach, technical assistance, training, auditing and claims payment.</p> <p>The role of AHCCCS is responsible for oversight and compliance. AHCCCS does a yearly financial and operational review of MAXIMUS. AHCCCS also makes sure that all school districts are in compliance with program requirements. The Center for Medicare and Medicaid Services (CMS) is the oversight agency. The auditing portion of CMS is the Department of Health and Human Services-Office of Inspector General (OIG).</p> <p>Dr. Hollinshead outlined the AHCCCS Policy Making Role which includes: AHCCCS Medical Policy Manual (called AMPM); compliance with Federal standards; and compliance with state standards.</p> <p>Dr. Hollinshead covered current issues faced by AHCCCS. A big issue is the audit process and findings. The AHCCCS contractor conducts audits of LEAs once every three years. The foundation is IDEA requirements. A problem the auditors find is lack of documentation in the IEP. Another problem that auditors find is lack of clinical notes from the service providers.</p> <p>OIG started their audit of AHCCCS in December 2006. The sample size they are using is 44 LEAs and 100 student months. They are looking at files back to 2004. AHCCCS is aware that districts are having difficulty showing compliance in some of the areas being audited by OIG. Dr. Hollinshead and Ms. Krotenberg are doing trainings throughout the state regarding these issues so that they can show OIG that they are aware of the problems and are working to</p>	

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7. Secure Care and Juvenile Corrections	<p>correct them.</p> <p>Once OIG finishes their audit they will then write up their findings. Arizona will then have the opportunity to respond. Arizona is trying to train LEAs on problem areas now so that we can show OIG that we are aware of the problems they found and are working to correct them now.</p> <p>The political climate around the DSC program is very poor at the federal level right now. The Director of CMS and the administration want to eliminate as much of the DSC program as possible. They would like to push the responsibility for the delivery of a lot of the DSC services to the state level and force states to pay for the services. Dr. Hollinshead talked about the efforts Arizona is making to correct the problems found in Arizona in an attempt to keep the program from disappearing.</p> <p>CMS 2287 would eliminate payment for MAC and most transportation. It would eliminate the ability for schools to be reimbursed for transportation from home to school and back to home. The comment period ended Nov. 6, 2007. AHCCCS did send in comments.</p> <p>CMS 2258 – Medicaid program: Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership. The rule did go into affect but has been placed under a one-year moratorium so LEAs are currently not affected. This rule would cause severely increased reporting requirements.</p> <p>CMS 2261- Medicaid Program: Coverage for Rehabilitative Services. This will affect states who house their school-based claiming program under their rehab option of their state plan. Arizona does not have their program under this option. There could be a problem with the qualified provider area however. Medicaid is questioning payments that are going to providers who are only able to provide services in the school setting and not out in the general community. This would affect school-based counselors and school-based psychologists.</p> <p>AHCCCS is watching the above rules.</p> <p>Dr. Hollinshead encouraged the Panel to call them if they had any questions or concerns. Tricia Krotenberg can be reached at 602-417-4149. Melinda Hollinshead can be reached at 602-417-4746.</p> <p>Panel members discussed their current Medicaid reimbursement issues.</p>	7. None

Topic	Discussion	Outcome
	<p>Secure Care Education is education provided to school-aged students while they are detained or incarcerated in county juvenile detentions, county jails, state juvenile corrections and state prison facilities. Native American and federal facilities are excluded.</p> <p>There are approximately 47 facilities statewide. There are 14 county facilities, juvenile detention; 15 county jails; 4 state facilities for Arizona Department of Juvenile Corrections (ADJC); at least 10 state prisons and 4 private prisons through the Arizona Department of Corrections (ADC).</p> <p>Generally speaking, secure care schools have a different administration than traditional schools and each type of facility is different.</p> <p>County Juvenile Detention facilities are jointly administered by the County School Superintendent and the presiding juvenile court judge. In some counties the school superintendent and in some counties the court takes a more active role in the day-to-day operations of the facility.</p> <p>The Arizona Supreme Court Administration of the Courts (AOC) has the role of coordination and oversight of many of the juvenile detention facilities. The AOC coordinates and oversees the funding and general administration at all of the county facilities that are not included in an accommodation district. This includes all counties except Maricopa, Pima and Coconino. These three counties operate their juvenile detentions through accommodation districts. AOC applies for grant funding for all these facilities; they provide technical guidance and support; and advocates for all the juvenile facilities.</p> <p>County Juvenile Detention Facilities house students who are aged 8-18. The average length of stay is from 48 hours to 2 weeks. All detained students attend school while awaiting adjudication, disposition or other hearings. All students who are eligible for special education receive services. Detained youth are released to their homes, residential placement, treatment facilities, or state juvenile corrections facilities (ADJC).</p> <p>County Jails (Adult) are jointly administered by the County School Superintendent and the Sheriff. Usually the school superintendent is the one that handles this responsibility. The jails house students who are aged 14-22. The juveniles who are housed in this facility have committed crimes that are considered adult crimes by a court. The average length of stay is short-term. Many jails offer educational programming toward a GED or high school diploma, although general education instruction is not required. Special education services must be provided for eligible detained students. Generally, inmates reside in jail until trial; if convicted they may serve out their sentence in jail or be sent to state adult corrections facilities (ADC).</p>	

Topic

Discussion

Outcome

ADJC education programming is organized by the Superintendent. These facilities have a more traditional school structure. They serve juveniles adjudicated delinquent and committed to its jurisdiction by county juvenile courts. ADJC serves students who are aged 8-18. At age 18 the youth are usually released from the facility. The average length of stay is long-term, an average of 7-8 months. All incarcerated students attend school and classes can be taken toward an 8th grade certificate, a high school diploma, GED, or college credit. Special education services are provided for eligible students. Approximately 37-45% of the students are identified as special education.

ADC education programming is organized by the Correctional Education Program Administrator (CEPA), which is similar to a superintendent. The facilities serve offenders who are convicted as adults (may include juveniles) and committed to the jurisdiction by county adult courts. ADC serves students who are aged 14-22. The average length of stay is long-term, an average of 3 years. Education programming toward a GED, an AA or BA degree is offered at every facility. Special education services must be provided for eligible inmates.

The schools in all the facilities are held year-round. The teachers often instruct a variety of courses in a multi-grade classroom. The percentage of students who are eligible for special education is higher than the state average.

Instruction toward a high school diploma is offered at juvenile detention facilities and some jails if they partner with another school or if they are housed in an accommodation district. GED graduations are held throughout the year at jail and prison facilities. Curricula include emphasis on transition planning. Other courses of study may include literacy and vocational programming.

Secure care facilities are monitored for special education compliance just like a traditional school. ADE ESS has two secure care monitoring specialists. The facilities are divided between them – one monitors juvenile facilities and the other one monitors adult facilities. At least one state adult prison facility and two county jails and two juvenile detention facilities are monitored per year. The four ADJC facilities are monitored as one district. Private and selected adult state prisons are monitored for Child Find procedures only.

There are challenges unique to secure care settings. Security is a priority. This shapes where and how students receive their education. Students in protective custody or isolation are usually isolated for their own good. Everything has to come to them or they are moved separately to a classroom. Students who are in disciplinary segregation (lockdown) and students with psychiatric/medical issues also present their own challenges. Sometimes the accommodations, modifications and assistive technology can provide a challenge. Ms.

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8. State Performance Plan/Annual Performance Report	<p>Trollinger used a student on suicide watch as an example. This student may not be able to have a pencil. A student who usually wears glasses but does not have access to them while incarcerated may not be able to see the board so the teacher has to be creative when dealing with these students.</p> <p>Other challenges include: lack of certified teachers/contracted providers, limited parent involvement, transient population, child find issues and records issues.</p> <p>Despite all the challenges faced by staff and students, the students do make progress. Dr. Gail Jacobs spoke about recent student graduations. All students take the AIMS test except for adults incarcerated in adult correctional facilities, per statute.</p> <p>Dr. Jacobs spoke about the vocational training and college credits that students can also receive while they are incarcerated at ADJC facilities.</p> <p>The biggest challenge is funding. Each county jail gets \$14,400 a year as a base plus \$10.80 a day per student. Maricopa County Sheriff's Office gets approximately \$250,000 a year from ADE in county equalization funding but spends more than \$1 million a year on education services. County Detention facilities each receive \$20,000 a year as a base plus \$15.00 per day, plus a Special Education daily rate per student. There is no access to Proposition 301 for teachers in county jails, county juvenile detention facilities and the Arizona Department of Corrections.</p> <p>The only advocacy group for secure care funding is the Arizona Secure Care Education Consortium (ASCEC) which is composed of stakeholders throughout the state representing all types of facilities. These people work to increase the profiles of secure care schools and attempt to inform people that secure care facilities are grossly underfunded.</p> <p>Ms. Trollinger answered Panel questions regarding funding and educational services.</p> <p>Ms. Douglas asked Ms. Trollinger what SEAP could do. Ms. Trollinger informed the Panel that supporting future funding propositions, including the need to allocate Proposition 301 funds for all secure care teachers would be very helpful. The options were left open for support in the future.</p> <p>Cynthia Bolewski, Director, ADE/ESS updated the Panel on the State Performance Plan (SPP). There are 20 indicators. The data will be used in the report that is due to OSEP by February 1, 2008.</p> <p>Indicator 5: School-Aged Placements. Ms. Bolewski reviewed the data for Measurements A,</p>	8. None.

Topic	Discussion	Outcome
	<p>B, and C. Each measurement has three categories of data: FFY 2004 Baseline (2004-2005), Target FFY 2006 (2006-2007) and Results FFY 2006 (2006-2007) Arizona met the target for Measurements A and B but failed to meet the target for Measurement C. The improvement activities were reviewed.</p> <p>Indicator 8: Parent Involvement. There is one measurement. The baseline, target and results were reviewed. The target for this measurement was 45.0% and the results showed that 48.2% of Arizona's parents of students with disabilities reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. Parent response by ethnicity was also listed on the report. The response percentages come close to matching state special education percentages in most ethnic categories. Panel members discussed whether the survey included student and parent ethnicity as they do not always match. This may skew some of the results and confuse parents who complete the survey.</p> <p>Indicator 11: Evaluation Timelines. The target for this indicator is 100% as this is what the state requires from a district when it is monitored. The results were reported at 84% of children with parental consent to evaluate were evaluated within 60 days (or the State's established timeline). The target was not met and had slipped 2% from the FFY 2005 baseline of 86%. Some of the PEA reasons for delay were: interruptions in the school calendar (29%), shortage of evaluation staff (23%) and delays in parent response or availability (19%). A Panel discussion followed regarding possible reasons for the percentage drop.</p> <p>Indicator 13: High School Transition. The FFY 2005 baseline was set at 83.5%. The target is 100% because this is a 100% compliance indicator. The FFY 2006 results were 57.8%. A possible reason for the slippage is that the requirements were set under IDEA 97. This is what ADE measured in the 2005-2006 school year and what ESS trained PEAs under. Transition requirements were changed under IDEA 04. After the change was made, it took some time for everyone in the field and at the Arizona Dept. of Education to update to the new regulations. The data for 2004-2005, 2005-2006 and 2006-2007 will be included in the OSEP report to highlight justification for the slippage.</p> <p>The indicators for Dispute Resolution – Indicators 16, 17, 18, 19 – had not been written as of the November 2007 SEAP meeting. The data has been compiled and will be added to the Indicators once they have been written.</p> <p>Disproportionality data was still being collected for Indicators 9 and 10 at the time of the November SEAP meeting. Post-school outcomes data was still being collected as well.</p> <p>Valerie Andrews, Program Director, Early Childhood Special Education (ECSE), reported on the Early Childhood Indicators.</p>	

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	<p>Indicator 6: Preschool LRE. This indicator has been put on hold for this year because the data collection method has been changed. Baseline data is being collected this year.</p> <p>Indicator 7: Early Childhood Outcomes. ECSE is collecting data on children's progress in speech and language, adaptive behaviors and social/emotional development. Each school district has chosen an ongoing progress monitoring instrument to assess their children. Four instruments were approved in the state. Early Childhood has to make sure that the information used in each monitoring instrument is compared in the same way. The deadline for Fall data submission is December 31, 2007.</p> <p>Early Childhood is conducting training on collecting and reporting the data.</p> <p>The early intervention transition data is another 100% compliance indicator. It is a difficult indicator because Early Childhood has to work together with AzEIP to get all of their children from the Part C system to Part B (preschool) by age 3. A lot of training has been done over the last few years and a new Intergovernmental Agreement (IGA) has been written in order to clear up some of the confusing language regarding each agency's responsibilities. Early Childhood and AzEIP have been holding a series of trainings to educate PEAs. Non-participants are being contacted.</p> <p>In 2004-2005 Early Childhood collected the data through monitoring and the percentages were low, 21-22%. In 2006 Early Childhood started collecting the data through End-of-the-Year Data Collection where school districts self-report how many children transitioned from AzEIP and how many were in by 3. Early Childhood still has some clean-up to do on their data because some districts still don't understand how to report their data. In 2006 the transition data was reported at 63.6%. In 2007 the data was at 81.3%. Additional data on why children were not in-by-3 was collected in a similar manner to Indicator 11. Ms. Andrews will be contacting the school districts because they are still reporting their data incorrectly. She will then have some school districts resubmit their data.</p>	
9. Exceptional Student Services.	<p>Diane Mignella, Director, Program Support, ADE/ESS reported that monitoring site visits this year are focusing on the 100% compliance line items, as defined by the monitoring and the SPP. The goal is to have directors start to look at those items and to problem-solve on the reasons for not meeting the 100% compliance.</p> <p>A Monitoring Alert was sent to Special Education Directors in August to let the directors know about the shift in focus for the ESS monitoring specialists.</p> <p>Colette Chapman, Deputy Associate Superintendent, ESS, reported that R7-2-401.10 will be</p>	9. None.

Topic	Discussion	Outcome
10. Special Education Advisory Panel Business	<p>changed to align state statutes with federal law in IDEA.</p> <p>Ms. Rademacher reminded the Panel that SEAP needs to schedule the joint meeting with ICC. New leadership for ICC will be starting in January. A letter from SEAP will be sent to ICC requesting a joint meeting, targeting possible dates in March or May of 2008. Agenda topics will be set.</p> <p>The By-law review was tabled until January.</p> <p>Discussion on ways to increase public input was tabled until the January meeting.</p> <p>Ms. Rademacher informed the Panel members that they could contact Jeannette Zemeida, the SEAP administrative assistant, with agenda items.</p> <p>Ms. Rademacher suggested that Panel concerns on “burning issues” be aired at the end of SEAP meetings, per John Copenhaver’s advice, due to meeting time constraints. It was suggested that comments be limited to 60 seconds per member.</p>	10. None.
11. Adjournment	<p>The next SEAP meeting is scheduled for January 15, 2008.</p> <p>Proposed agenda items for next meeting:</p> <ul style="list-style-type: none">• Cindy Bolewski, State Performance Plan• Levels of Determination presentation (speaker unknown)• Kasey Gregson, Dispute Resolution• Bylaw Review• Discussion on Medicaid Brochure• Discussion on Joint Meeting with ICC <p>Ms. Rademacher adjourned the meeting at 3:40 p.m.</p>	11. Adjournment.