

**CT STATE ADVISORY COUNCIL ON SPECIAL EDUCATION (SAC)****Executive Committee  
Regular Meeting**

Wednesday, April 27, 2011  
4:00pm – 6:00pm  
CT State Department of Education  
25 Industrial Park Road  
Room MCR2 (Front of Building)  
Middletown, CT 06457

**I. Call to Order**

**Member Attendees:** John Burke, Beth Hart, Brenda Sullivan, Kathy Musto (by phone), Marcus Rivera.

Dr. Burke called the meeting to order at 4:23pm.

**II. Executive Committee Update**

**SAC Website.** Mr. Rivera shared that he will be meeting with Nikki Hendry to review the status of the website. SERC has been working on the various items reviewed by the SAC (e.g., SAC priorities, committees, meeting dates).

**SAC Retreat.** A retreat is recommended in the fall to review progress to date and SAC priorities in preparation for the annual report. External facilitation was recommended with state advisory panel expertise, if funds are available. Recommendations included Peggy Hayden and John Copenhagen. Mr. Rivera will see if Shauna Crane at the Regional Resource Center Program can offer any recommendations at no cost. The Executive Committee offered revisions to the SAC annual calendar (to include a retreat) for discussion with the SAC membership at the May 18 meeting.

**Magnet Schools and Technical High Schools.** SAC Executive Committee members raised some questions about the application process to state magnet, charter and technical high schools and if there were any issues regarding access for students with disabilities. Mr. Rivera will follow up with Michael Smith in the Bureau of Special Education and report back to the Executive Committee. **Ms. Sullivan moved and Ms. Hart seconded to explore this issue. The motion passed unanimously.**

**III. Discussion and Action Items****A. Draft Revisions to SAC By-Laws and Operating Guidelines**

1. **SAC Slate of Officers/Election of Officers.** Ms. Bidwell's concern regarding the timing for the SAC slate of officers/election of officers and the SAC by-laws was discussed. When the draft Annual Calendar of discussion items was presented at the last SAC meeting, it showed the Slate of Officers proposed by the Nominations Committee as scheduled for **November 2011** and the Election of Officers proposed for **December 2011**.

Since the current Slate of Officers took place in December 2010 and the Election of Officers in January 2011, the SAC Executive Committee proposed to build on the momentum of the new SAC by maintaining this annual cycle. That is, have the Slate of Officers presented in **November** instead of May, and the Election of Officers in **December** instead of June. **Dr. Burke moved and Ms. Musto seconded the**

**following amendment to Article V Section 5 of the SAC By-Laws for discussion at the May 18 meeting:**

**from:** "The Committee will prepare a slate of officers for the Council prior to the **May** meeting and the Council will vote on such slate of officers at the **June** meeting. "

**to:** "The Committee will prepare a Slate of Officers for the Council prior to the **November** meeting and the Council will vote on such Slate of Officers at the **December** meeting. "

**The motion passed unanimously.** Article VIII of the SAC By-Laws states that amendments can be made by "a two-thirds vote of members in office and by proxy at any regular or special meeting of the Council providing that such amendment has been submitted in writing to all Council members not less than twenty-one days prior to the meeting." Mr. Rivera will forward this recommendation to the full SAC on April 27.

2. Please see IV.A. below.

**B. SAC Legislative Committee (SLC) Proposals**

Ms. Sullivan reviewed several bills with the rest of the SAC Executive Committee for consideration.

o **Bill 930: An Act Concerning the School Entrance Age**

- Ms. Sullivan confirmed that the bill will be reviewed by the CT General Assembly. The SAC Executive Committee (SEC) already took action at its March 23, 2011, meeting to support this bill; i.e., that it supports "requiring a child to be five years of age by October 1<sup>st</sup>, before s/he registers for kindergarten." At that time the Executive Committee discussed the probable reduction in any possible over-identification of students with disabilities due to age-related issues, if more developmentally sound policies are in place – such as kindergarten registration when a child is 5 by October 1 and universal preschool until age 5. The SLC shared that a sample of kindergarten teachers were in support of this bill. CSDE also supported this bill.

o **Bill 1038: An Act Concerning Special Education**

- The focus of this bill is to improve the dissemination and communication of information regarding IEPs to parents and guardians and to improve the quality of education for teachers in the implementation of IEPs.
- The SAC Legislative Committee (SLC) is reviewing this bill and will share its recommendations with the Executive Committee and SAC. They may reach out to others with expertise for additional input. Concerns include sufficient notice for parents to review assessments; the opportunity to extend this notice to all evaluations (initial and reevaluations); and the need for parental consent.

Ms. Sullivan will forward copies of letters of support signed by Dr. Burke to Mr. Rivera for the SAC record.

**C. Agenda for SAC May 18, 2011, Regular Meeting**

The draft agenda items were reviewed.

**D. Consideration of Minutes of April 14, 2011, SAC Executive Committee Meeting****1. Ms. Hart moved and Ms. Sullivan seconded to approve the SAC Executive Committee April 14, 2011, minutes with the following clarification:**

- **Bill 6320: An Act Concerning the Inclusion of Humane Education in the Public School Curriculum was noted in error during Ms. Sullivan's presentation.**

**The motion passed unanimously.**

**IV. Other Items****A. SAC Membership**

1. The SAC Executive Committee followed up on the April SAC meeting discussion (and prior Executive Committee discussion) regarding Article III, Section 3 of the SAC By-Laws and how the "member-at-large" section is not consistent with current revisions to the CT statutes concerning the SAC (CGS, Section 10-76i and its amendments). Specifically, that current law states which authorities may appoint SAC members and in which capacity (e.g., parent of a student with a disability; school teacher). There are no current statutory provisions for the SAC to vote to fill vacancies in the event that an appointing authority fails to appoint a member to the Council. The SAC pursued these additional members-at-large to offer state perspectives on unmet need across disability categories.

The SAC Executive Committee considered addressing this issue through several avenues so that it may receive necessary feedback from OPA, the state's federally-funded Parent Training and Information Center (CPAC in CT), BRS, and the state's technical high school system.

- a. **SAC Legislative Amendment.** The SAC Executive Committee moved to direct the SAC Legislative Chair, in collaboration with the Membership Chair, to prepare and submit legislative proposals to the General Assembly on behalf of the SAC that would add four new seats to the SAC so that information on unmet needs can be received from OPA, the state's federally-funded Parent Training and Information Center (CPAC in CT), BRS, and the state's Technical High School System. Ms. Sullivan researched the IDEA provisions and shared with the SAC Executive Committee that it would be consistent with IDEA to have these positions in place. The SAC will propose that these appointments be made as follows: (1) OPA – by the OPA Director; (2) the state's federally-funded Parent Training and Information Center (CPAC in CT) – by the funding authority (currently the CSDE Commissioner), (3) BRS – the BRS Director/Commissioner; and (4) the state's Technical High School System – by the State Technical High Schools Superintendent, or Commissioner responsible for this entity. **Ms. Sullivan moved and Dr. Burke seconded this motion. The motion passed unanimously with Mr. Rivera abstaining because the Department opinion on this legislative matter has not been determined.**
- b. **Use of Current SAC Legislation.** There is a provision in the amendments to CGS Section 10-76i [JSS, P.A. 10-1, Section 419(a)(14)] that permits additional appointments to the Council: "such other members as required by the Individuals with Disabilities Education Act, 20 USC 1400 et seq. , as

amended from time to time, appointed by the Commissioner of Education." The SAC Executive Committee moved to direct the SAC Legislative Chair, in collaboration with the Membership Chair, to draft a letter from the SAC Chair to the Commissioner of Education requesting the additional four appointments, using the IDEA rationale that Ms. Sullivan has researched. The letter should include that the OPA appointment should be filled by Jim McGauley and the PTIC appointment by Nancy Prescott. **Dr. Burke moved and Ms. Hart seconded this motion. The motion passed unanimously.**

- c. ***Current Vacancies: Additional SAC Legislative Amendment.*** Given that there are longstanding vacancies on the SAC which impedes its functional authority at full capacity, and it seems that there is no statutory provision to ensure that these seats are filled, the SAC Executive Committee moved to direct the SAC Legislative Chair to prepare and submit legislative proposals to the General Assembly on behalf of the SAC that would permit the following:
- (i) if after 30 calendar days, a SAC appointment is not made by the appointing authority, then the SAC will submit in writing, to the appointing authority, a recommendation to fill the vacancy which is consistent with the statutory position (e.g., a parent of a student with a disability); and
  - (ii) if after 60 days, the appointing authority does not fill the vacant seat or respond to the SAC recommendation, then the SAC Chair will make the appointment with the approval of the Council.

**Ms. Sullivan moved and Dr. Burke seconded this motion. The motion passed unanimously with Mr. Rivera abstaining because the Department opinion on this legislative matter has not been determined.**

**As a result of these proposed legislative amendments, the SAC Executive Committee will forward on April 27 the following by-laws amendment to Article III Section 3 for consideration at the May 18 meeting:**

**from:** In the event an appointing authority fails to appoint a member to the Council, the Council may utilize a "member at large" to assist the Council in carrying out its statutory and regulatory duties, provided any person selected as a member at large shall have the appropriate qualifications to so assist the Council. A member at large may be appointed at the discretion of the Chair of the Council and with the consent of the currently serving Council members. A member at large shall not have voting rights, or hold leadership positions, such as a Chair of a committee or represent the Council outside of Council meetings. A member at large may serve on Ad Hoc Committees and actively participate in the work of the Council as directed by the Chair. Member at large status shall terminate when the expertise of the member at large is no longer needed or the work of the member at large has been completed.

**to:** In the event an appointing authority fails to appoint a member(s) to the Council, the following will take effect:

- (i) If after 30 calendar days, a SAC appointment is not made by the appointing authority, then the SAC will submit in writing, to the appointing authority, a recommendation to fill the vacancy which is consistent with the statutory position (e.g., a parent of a student with a disability); and
- (ii) If after 60 days, the appointing authority does not fill the vacant seat or respond to the SAC recommendation, then the SAC Chair will make the appointment with the approval of the Council.

In the event that the SAC appoints the member(s) as outlined above, the individual(s) will fill the current term of the Council appointment and in the capacity as codified in CGS, Section 10-76i and its amendments.

Dr. Burke will collect feedback from SAC members on these proposed by-law amendments prior to the May 18 meeting.

#### **B. SAC Complaint Resolution/Due Process Ad Hoc Committee**

1. The work of this ad hoc committee may include the need to receive input from a variety of perspectives (e.g., advocates representing families, school districts, other organizations, judicial). **Ms. Sullivan moved and Ms. Hart seconded that the SAC Executive Committee was in agreement that the SAC Complaint Resolution/Due Process Ad Hoc Committee receive input from all of the following sources to offer balanced perspective: advocates representing families, school districts, other organizations, and a judicial agency. The motion passed unanimously.**

#### **V. Adjournment**

By unanimous consent, the meeting was adjourned at 6:45 pm.

Prepared by: Marcus Rivera, SAC Secretary