

Irvine Unified School District - SELPA Community Advisory Committee for Special Education Meeting Minutes for Thursday May 25, 2023 General Meeting, from 9:30am-11:30am at Creekside Learning Center Room 1, 3387 Barranca Pkwy, Irvine.

Chair, Esther Morales called the meeting to order at 9:36 a.m., quorum was met. She introduced the Able Coffee Cart run by ATP students. She announced that Andrea Matolo, past CAC Secretary will be taking minutes. She stated that on Wed, May 3, 2023, Sally Kim's resignation as secretary was received and accepted. Per the bylaws elections will be held at the September meeting. Esther proceeded to introduce School Board Member Paul Bokota who thanked everyone for attending the meeting. Superintendent Terry Walker stopped by to say hello and express his appreciation of the CAC and its partnership, and expressed his excitement about investments made to add Tier 3 in supporting staff, parents and students. He added, although IUSD is one of the lowest funded school districts, it has an amazing district that rallies around our students. It is an honor to see how this district and team has evolved.

Andrea motioned to adopt the May 25, 2023 CAC General Meeting Agenda as presented, Monica seconded. Motion passed. The February 16 minutes were presented. Andrea motioned to adopt the February 16, 2023 CAC General Meeting minutes as presented, seconded by Monica. Motion passed.

Melanie Hertig, Executive Director for Special Education/SELPA provided a review of Annual Budget & Service Plan: I Appreciate support of school members. It is required to be submitted every year. Typically, this is submitted in June. We provide the budget plan for transparency to CAC. For multidistrict SELPAs, that may be more complex. For us, it is a little more straightforward. Melanie presented an annual budget plan. Revenue for the district is based on the number of students in the whole district, rather than just those in SPecial Ed. A, B is for sub-3 kiddos. "Other Revs" represents the portion used from IUSDs general funds. We have a lot of job vacancies right now. Budget code 5000 is for this. The state's contribution to special education is low. We are advocating to see if we can increase contribution at the federal level. Table 5- Captures cost of IAs, deaf blind, orthopedically impaired, etc. Service plan: There were things in place in CA before the Federal government created plans. There are some rare services that are captured under different codes. All boxes are marked so that we are prepared to offer services if needed. Sometimes attorneys fees come up. Melanie stated that she would love it if attorneys fees didn't exist. Sometimes we enter into settlement agreements or filing happens through administrative hearings. When looking at our budget for next year, the cost is less than 1% for the district's attorney fees. Cost that the district pays for parent attorney fees is 1.5%. \$104M budget this year. Sometimes there is misrepresentation of how much that adds up to. She also gave a Legislative Update. We met with Cottie Petrie Norris and Senator Minh staff. One of the authors of the bill, Sen. Ochoa Bogh received Sen. Bill 354 - inclusion bill. Both bills have passed through the Appropriations Committee and are on the floor for further discussion. Bill requires that district staff must have more learning about inclusive practices. Irvine has tried to do this in the district. We also know that new district staff may not have received inclusive training as part of their certification

requirements. This bill would require CDE and CTC to provide info on how to fund classrooms. Another bill would require SELPA to provide professional help to the Special Education department, executive directors.

Monica Mesa, Vice Chair, announced that she will be moving to Florida at the end of the school year at which point she will be stepping down. She is excited for the great group of people that are working together, organizing, and at events. She believes that what has been created is great and that there is so much more to come. She looks forward to hearing about everything that happens next year. Elections will be held at the September meeting and we will have a vote for the replacement for both positions.

Esther: Per CAC Bylaws, elections to fill the unexpired 22/24 term of the CAC vacancies will be held at the September meeting. In between May and August the officer qualifications and job description will be reviewed and an officer application for each of the positions will be created. At the start of the 23/24 school year, the application for Secretary and Vice-Chair will be posted, applications reviewed and interviews conducted. At the September meeting elections will be conducted for the unexpired current (22-24) officer term. At the February meeting post applications for Secretary and Vice-Chair review applications and conduct interviews. At the May meeting per bylaws elections of Vice-Chair and Secretary are to be conducted on even years.

Vice-Chair Monica reported on the Abilities Awareness Event on April 26, 2023 at Northwood High School. This event was in partnership with the school district. Special thanks to Elise Green, who worked incessantly and worked closely with us to bring 26 Vendors (including food trucks), showcase adults with disabilities who are business owners. Our community partners brought resources to families; IPD, Regional Center, and other organizations that work and support our communities. The event was a success! A true celebration of inclusion in the IUSD! Thanks to all the CAC volunteer parents who made the event so much fun for all families! The partnership and commitment of all those involved made this event a success! Please Save the Date for the 3rd annual Abilities Awareness Event, Wednesday, April 24, 2024 at 5:00pm at Woodbridge High School. She also gave an update on the schedule to the 23/24 General Meeting with morning and the afternoons meetings, we want to encourage more parents participation. Proceeded to give the Year Highlights; 4 quarterly meetings, 10 parent meet ups, 2 social events, 1 family event with Makapo, 2 Parent education events, an increased social media presence, and creation of fundraiser materials. In Partnership with IUSD, we organized the 2nd Abilities Awareness Event, organized and hosted Special Ed parent presentations. Thank you to Robin Cowan who has been a champion in guiding and promoting the Abilities Awareness Week activities! Attended and participated in Legislative Day, with the support and partnership of the Special Education Department in support of SB 354 and AB1517, met with representative Cottie Petrie-Norris and the office of senator Min. All attendees will be given a tote bag today to help us promote CAC. Stay connected and follow us on instagram at CAC\_IUSD.

Monica encouraged parents to volunteer and participate in the AYSO 2023 soccer season - registration is now open. The program is now called EPIC (Everyone Plays In our Community). Registration fee is \$52.75. Please register at [ayso213.org](http://ayso213.org).

Monica concluded by saying; I am leaving - but one of the things that we need to do in the Sped community is to go out in the community and volunteer. And get involved. Goodbye and thank you for the amazing experience. Keep this going, please. When we volunteer we support all of the efforts to bring programs to our kids.

Esther encouraged all to consider becoming part of the CAC team and is looking for parent volunteers for the 23/24 school year, please send an email to [iusdcac@gmail.com](mailto:iusdcac@gmail.com). As mentioned 2 morning and 2 evening meetings will be scheduled for the 23/24 general meetings. The first meeting is Thursday, September 21, 2023 at 6:00 p.m. Meadow Park Elementary.

Esther introduced a very special guest, Sharon Wellikson, Irvine Junior Games Director. She shared that Irvine is the only school district that has childcare at every elementary school and is fully able to accommodate children. The Irvine Jr Games is tasked with fundraising for this program. We want to make sure 'all' students have an opportunity to participate in the event. This year 20 students participated. Adapted PE teachers go above and beyond to support all participants and prepare students prior to the event; they visit the stadium and practice on the field. Make sure to register your child to participate. For more information go to <https://irvinechildrensfund.org/about/> Esther made a call for CAC members to volunteer at next year's event.

Esther introduced another very special guest, Tina Chang who will be sharing on behalf and in partnership with the City of Irvine. She stated; I am here to recruit parents for a focus group on Wednesday, to discuss after school childcare. She invited all to participate in the Strategic Plan Focus Group conversation for parents of children with special needs. The hope is to include the special needs population in Irvine as part of the development of the plan. Ryan Painter, Community Services Superintendent, City of Irvine is in the process of updating the Strategic Plan for Children, Youth and Families. This five-year plan will guide the City's efforts toward fostering and maintaining a safe community where all children, youth, and families thrive emotionally, physically, academically, and socially. As part of this process, the City is looking to engage a comprehensive list of key stakeholders, subject matter experts, and relevant community organizations through focus group conversations to gather input, identify current community assets and gaps, and help frame Irvine's multi-year strategic plan. For more information go to <https://www.cityofirvine.org/child-care-development/irvine-children-youth-and-families-advisory-committee>

Public Comments by attendees and via the online public comment card will be shared with SELPA after the meeting for Special Education staff to follow up with parents.

Public Comment #1 - After numerous incidents where our daughter Simone, who is in second grade and has Down Syndrome, eloped into parking lots, climbed on tables, put her hands in bleach water, and ate non-food items, we expressed concern about her safety at IUSD schools, and asked why staff could not hold her hand and not let go in hazardous or perilous situations.

We were referred to Administrative Regulation 4119.21 (Professional Standards: Appropriate Staff Interaction with Students) which prohibits "inappropriate physical contact" but allows that physical contact can be permitted to protect the safety of students or staff. To better understand how that policy is implemented in practice, we requested a meeting with the Director of Operations for Preschool / Elementary in the Special Education Department, Lisa Torkzadeh. She referred us to Program Specialist Gabriela Albay and Coordinator Sean Viney. On March 3rd, 2023, we had a meeting with Ms. Albay and Mr. Viney, who explained that staff is not permitted to physically intervene, except in cases of imminent physical danger, and referred us to the Professional Assault Crisis Training (PRO-ACT) curriculum which provides guidance to staff in how to follow the principles outlined in the policy.

On March 30, 2023, we received Simone's Functional Behavioral Assessment, which did not clarify our concerns. In order that we might be reassured that Simone will be safe in IUSD schools, under the interpretation of the policy as expressed in the PRO-ACT curriculum, we asked to be provided with that curriculum.

On May 2, 2023 we were told that IUSD denied our request, because it is not "considered a part of a pupil's record" but reiterated that "District guidance regarding emergency behavior interventions indicates that physical intervention or restraints should only be utilized by staff during a behavior emergency in which the student or others are in imminent danger and when all other interventions, including behavioral approaches specified in the student's IEP, have failed." IUSD also shared a document from the U.S. Department of Education explaining why Restraint and Seclusion "can have very serious consequences," including death.

Naturally, we fully agree with the principles of non-intervention except in cases of imminent danger. However, given the multiple situations where our daughter was in danger and was not protected, and having been denied insight into the PRO-ACT manual which would explain how staff are trained to apply the policy, we are left without confidence in the District's willingness or ability to protect her from harm. We would not expect staff to apply restraints on our second grader, but only to hold her hand and not let go, if she would otherwise be in danger, such as running into a parking lot, or crawling into a locked bathroom stall, etc.

We submitted a second request for the PRO-ACT manual on May 23, 2023, and were informed by Jennifer O'Malley that PRO-ACT materials are exempt from disclosure under Government Code section 7927.705, and Evidence Code section 1060 as protected trade secret information and therefore IUSD would not provide the materials to us. Meanwhile, we found a Pro-ACT manual publically available online, though we can't know if this is the version IUSD is using.

We are so grateful for Simone's teachers and the staff. But this policy remains opaque given IUSD's denial of our request. What is the big secret? In order to have full parental participation in our

daughter's individualized education plan, it is important that we have access to the same materials as the other members of the team. Without insight into the PRO-ACT manual and recommended safety procedures, we must assume that the policy does not accommodate her disability. We assume that staff is not permitted by the policy to keep her from harm.

In addition to safety concerns, Simone has missed many hours of instruction time, up to 1.5 hours per day, because staff is required to allow her to elope wherever she wants to go, for as long as she wants to go. As a result of this, and as a result of not ensuring her safety, Simone is not guaranteed her free and appropriate public education in her least restrictive environment. We ask why?

To be clear, this is not an issue of the teachers and staff misunderstanding or misinterpreting the Pro-ACT policy. The IUSD district level Special Education Department confirmed that the teachers and staff are interpreting the policy correctly in allowing these unsafe incidents to occur to our 8-year-old 50 pound daughter with an intellectual disability. They are not allowed to hold her hand to prevent her from running into a parking lot, or otherwise physically intervene to keep her safe.

Public Comment #2 - "I am so thankful that our district is publicly expressing support for inclusion. Is there a way to help our schools implement it? I have two very different examples: I personally find that social goals seem to be extremely difficult to get added to an IEP, which I find especially surprising since social challenges are a hallmark of autism. We've talked about taking belonging and community seriously as an IUSD community. Children want to feel connected and as a parent I understand it takes a lot to facilitate this successfully. Could schools partner to make this an every day recess or lunch goal for the progress of their students' emotional, mental, and developmental health? I believe it would facilitate more skills and more joy for all students.

Secondly, I witnessed a child in a wheelchair positioned on the floor during our school music concert. Their peers expressed concern over it after the concert was over and said a ramp did not appear to be an option but they could have overlooked that. It did not appear to be offered for the child to get on stage with their peers as an alternative to the floor. I couldn't get a video for their parents because of their positioning. How can we ensure that our staff and PTA is considering all children when planning their events such as these? "

Public Comment #3 - Separately, I am concerned that somehow staff which includes service providers, education specialists and program specialists still seem to be unaware of the need for compliance to the Education Codes. When a parent makes a reasonable request for necessary documents prior to an IEP, there should be an appropriate response which results in a parent receiving these documents 5 days after the request per ED Code 56043 and 56504. I was only provided documents I requested over a month ago last night for our IEP meeting today. There was unnecessary delay and stress that was caused and I still do not have the information required for this to be a meeting in which I can fully participate as an informed parent. I have experienced this time and time again with the same staff members and some new ones. I request that the Special Ed department retrain all of their staff and ensure staff at school sites are trained to ensure proper compliance and reduce any complaints.

**Public Comment #4** - 1st comments about the budget. Melanie brought up a good point about the attorney fees. What would be really helpful would be to have transparency on this. All of the attorney fees are paid for with tax dollars. 1% of budget = over \$1,000,000. Parents get 1.5% and the fact is that parents have to get an attorney themselves and pay for their own attorney fees.

Jennifer O'Malley will not provide settlement agreements whereas every other school district does. It would be nice if the board would provide contact fees - attorneys charge on some cases \$1,300/hour. If we want to work on these issues, I think that we should provide transparency. When we are withholding information that the staff has, all of this can be rectified and parental participation can be real. Every time that we hear that we are underfunded, that might be giving the staff a message that they need to save money. And that is done by denying services.

**Public Comment # 5** - The comment was in regards to the Outdoor Ed. Camp, offered at Springbrook. Her 6th grader was granted several accommodations at camp, and he had a great time. It is her hope that these accommodations are widely available to all special needs families, her son has autism and she had to request and ask for some specific accommodations, which she was provided. These accommodations need to be advertised and the camps and vendors need to be more inclusive, given that a lot of the requests were sent back to the school administration, the amount of work required by teachers and aids is appropriate. Camps can work with families to provide a better and more inclusive experience for all.

Esther encouraged all to stay for the Inclusion Practices at IUSD Parent Ed Presentation by Elise Green, Special Ed Family Liaison TOSA. Andrea motioned to adjourn at 10:52a.m., seconded by Monica. Motion passed.