KENTUCKY DEPARTMENT OF EDUCATION
State Advisory Panel for Exceptional Children (SAPEC)
MEETING SUMMARY

DECEMBER 13, 2021

ATTENDANCE: Alison Amshoff, Jeni Bolander, David Bradley, Traci Brewer, Tiffanie Clark, Jeff Coles, Amy Beth Crump, Tal Curry, Tonika East, Melissa Ferrell, Tammy Gilles, Jason Jones, Maria Kemplin, Mary Lavin, Brian Lovell, April Miller, Michelle Morgan, Tyler Reed, Katherine Sheppard-Jones, Danny Slaton

MEMBERS ABSENT: Ashley Barlow, Christa Bell, Lacheena Carothers, Emily Fox, Esther Hayslett, Kent Kelsch, Cora McNabb, Krista Payne, Cassie Jo Robinson, Chadwick Noel

Summary

Agenda Item: Welcome, Call meeting to order at 10:30 am EST.

Presenter: Chair Brian Lovell

Summary of Discussion:

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Review Meeting Norms

Presenter: Joe McCowan, OSEEL

Summary of Discussion: norms for meeting process and behavior reviewed.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Review of previous meeting minutes (Nov. 23-23, 2021)

Presenter: Chair Brian Lovell

Summary of Discussion: Amy Crump made the motion to amend meeting minutes to reflect the correct time of the last meeting and this was seconded by David Bradley. Motion passed without objection. Followed by motion to approve amended minutes by Amy Crump, seconded by Traci Brewer. The motion passes without objection.

Feedback: No discussion.

Follow-up Required: n/a

Agenda Item: Roll Call of members

Presenter: Chair Brian Lovell

Summary of Discussion: n/a

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Review and Approval of by-laws.

Presenter: Chair Brian Lovell

Summary of Discussion: Mr. Copenhagen advised us to make some changes to by-laws, including the timing of the Annual Report. Other changes include Due Process hearing changes. Motion to approve by-laws changes made by David Bradley, second by Amy Crump. Motion passes without objection.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: State Performance Plan/Annual Performance Report (SPP/APR) Targets

Presenter: Sylvia Starkey, Div. of IDEA Mon. and Results

Summary of Discussion:

Sylvia Starkey presented the targets for the SPP/APR. This presentation is an effort to inform SAPEC members of the reports, and gain stakeholder input from SAPEC. The SPP/APR, IDEA Act, requires these plans and updates. Each year, KDE reports on the performance of the state related to 17 indicators which are defined by the Office of Special Education Programs (OSEP).

There are 17 different indicators (6 are compliance indicators and we are not setting those because the targets are already set by OSEP at either 100% or 0%) Nine of the remaining indicators discuss measure results, and two measure dispute resolution activity.

Stakeholder Engagement is part of this process and every six years, Kentucky sets target for continuing progress towards indicators. We need broad stakeholder input on each target. We included parents, teachers, advocates, district partners, community partners. SAPEC is part of this work. The other groups did a very deep dive on each indicator leading up to today. The groups started with a range of targets and narrowed to one recommended target. Targets we are looking at today are the recommendations from those stakeholders.

There is a public reporting portal where SAPEC members can make suggestions for avenues to meet the targets online. They are Google forms we encourage you to share broadly with your Stakeholder groups.

When measuring appropriateness of targets, look at it over time. Is the target rigorous? Is it obtainable?

Indicator 1: Graduation - Percentage of youth with IEPs graduating with a regular diploma. Increase in 2019, stakeholders felt that was a COVID impact and not typical of the state. They suggest 85% graduation rate in 2025 SPP/APR – more realistic, but also rigorous goal.

Jeff Coles asked: I'm wondering if stakeholder groups considered we [Kentucky] might continue with some related Covid experiences going forward. Are there any other factors they considered? Are there any gold star strategies they suggested?

Sylvia Starkey followed up stating:

Stakeholders thought about that but felt that most reliable information and data was pre-COVID. They discussed coming back in future years to reset targets if pandemic trends persist.

Stakeholders considered comparing graduation for students with individual education programs (IEPs) to those without IEPs; talked trauma with students and teachers. They also discussed positive outcomes.

Tiffanie Clark asked:

Students with disabilities can take longer than typical years – is that accounted in this data?

Amy Patterson replied:

This is a brand new calculation being required by OSEP. The way we've calculated now it doesn't matter if it took 3, 4, or 6 years to graduate. Data we collect is from all students 14-21, including those who have graduated with regular, alternative diploma, dropped out, or reached 21. Numerator represents length of time it took them to graduate. Denominator represents those things I just mentioned. We are not using the 4-year cohort anymore. Only flaw I see is that some individuals who are not even eligible to graduate are included.

David Bradley asked:

Any indication what 2020 numbers will look like?

Amy Patterson replied:

The data is similar to 2019, better than I expected.

Sylvia Starkey added:

Indicator 2: Drop Out – This data goes down over time and we might have to revisit this after a few years. Recommendation was a 5% target. The longer students are in school, better outcomes

will be. A more rigorous target for dropout would encourage districts to focus on students with IEPs.

Traci Brewer asked:

Do graduation rates include alternative diplomas?

Amy Patterson replied:

They are not considered dropouts, but not considered graduates.

Jeff Coles mentioned:

The reality is that will never get to 100%.

Sylvia Starkey added:

Indicator 3 – Assessment – a lot of targets are included in this indicator. Through stakeholder input, we have tried to make it easier for SAPEC to review this indicator.

Will review Elem. Math and reading, Middle school both, and then high school both.

3B – reading proficiency on regular assessment. Relevant for stakeholders to put just as much emphasis on 3rd grade reading as high school math. 4% was the target for all, felt that was rigorous but obtainable.

3B - Grade 4 reading. 4% improvement. 38% is the target. 30% in 8th grade; high school 20.2% target.

3B Math – 4th grade 32.7%; 8th grade 19% target; High school 11%.

High School rate is going down, which we don't want, but stakeholders were trying to be realistic and determine an obtainable target.

Amy Patterson added:

When we talk about these three different age groups, we were told to use those grade levels for these reports.

Sylvia Starkey presented the following:

3C, for Alternative Assessments, the suggestion was that we use the same 4% standard for alternative assessment. In 4th grade 33.34%; 8th grade, 37.1% target and in high school 25.73%.

Amy Patterson replied:

When we're looking at that downward trend, it is seen in typical students as well and this is important to note.

Jeff Coles asked:

Is this a one to one correlation with typical and students with disabilities?

Amy Patterson replied:

I believe it will be a little bit worse for special education students.

Brian Lovell mentioned:

When we had Co-Op directors come, they talked about a big push to deal with this issue. 4th grade increase by 4%; 8th grade 37%. 16% in high school.

Sylvia Starkey Presented the following:

3C Reading Data with 4% applied across the board and 3D Math Gap Data is shared.

If we grow at the same rate as general education, the gap will not change. The standard is different here than the other assessments (4th grade math – 2% decrease in the gap; 8th grade 2% decrease; high school 2% decrease in the gap).

3D Reading gaps have the same statistical projections. Stakeholder group recommended reducing gap across the board by 2%. 4th grade reduce by 2% by 2025; 8th grade reduced by 2%. High School, reducing by 2%, and the overall trend is going down, which is a good trend.

Indicator 4A – Suspension/Expulsion for students with disabilities. Talking about removals of greater than 10 days.

In 2015 we were looking at data and realized the way the calculation was done did not account for smaller districts. Therefore, we made a change and suggested SAPEC evaluate how we calculate that data. We set a static rate for this at the state, and expected districts to be able to meet the goals. The rate jumped when we changed the calculation.

Stakeholders felt that 2.92% from 2019 had a COVID impact. Stakeholders recommended 4% - considering that numbers may be higher when districts returned to in-person in 2020.

Jeff Coles asked:

What are the data challenges in the past and KDE effort to address it in the past?

Sylvia Starkey replied:

Sometimes, students were being removed from classrooms without it being coded as such. Therefore, KDE (Amy Patterson) trained districts on what removals should look like, to make sure we captured how the data should be captured. Information is more reliable now. Webinars were provided about the Manifestation Determination Requirements.

Tonika East asked:

Can we see the data with particular disabilities where it is broken down by disability?

Amy Patterson replied:

We currently break the data down by racial and ethnic categories. We can show the data by disability category.

Amy Crump asked:

Do we capture being in principal's office, not in removal? Minimum requirement of time, like an individual needing to calm down for 5 minutes?

Sylvia Starkey replied:

We capture that, any time that a student is not in where they are supposed to be is captured here.

We suggest 15 minutes be a range they use, but there is some subjectivity.

Indicator 5A – Ed. Environments (least restrictive environments).

In the regular classrooms, we want this trend to go up but do not ever want 100%. This would not account for students with disabilities who require instruction in other environments. 75% of students with disabilities were educated in regular classroom previously, so they suggested a suggested 2% increase to 77%. We continue to discuss the the long-term goal of this indicator and that the long-term goal could be about 80%. It is has been suggested that KY reach out to other states that are meeting or exceeding the 80%, to see what and how they are operating.

Tonika East added:

I want to say that we definitely need to discuss this. In the least restrictive environment, they will excel because of student to teacher ratio. I have some questions about the 80%. My daughter lost her sight 10 years ago and is being considered for a regular high school placement soon, and she hasn't been in there since she lost her sight.

Sylvia Starkey added:

Your experience is very important. This is not one we ever want to see at 100% regular classroom.

Jeni Bolander mentioned:

We felt pushed at the local level to get kids into regular classroom, but students weren't always ready.

Sylvia Starkey added:

When we are looking at this, we have to consider what all the districts can and cannot do. This is a statewide target.

Maria Kemplin mentioned:

If you're talking about educational environment. Are kids receiving their special ed services in the regular classroom, when they are placed there? This is a delicate balance here, possibly behavior impacts if not academic ones. The push on statistics without additional staff and resources will be difficult.

Amy Crump asked:

Is this information in the Safe Schools report? I would like to see things like minutes of missing instruction. I would like to see the numbers for that.

Sylvia Starkey replied:

That's something you can make a request for in this area of focus. This could be part of the SAPEC committee work.

In the separate classroom, the data stays pretty steady. Students who are in regular classroom less than 40% of the day, also Students in all-day resource classrooms. Maintained about 8.5% across time. Stakeholders wanted to push on this one pretty hard. Want to make sure students in these rooms are there for the right reasons, b/c those students should be there. Want the goal to be 6.5% (almost a 2% reduction). They felt that setting a strong goal in this Indicator would help make sure this was a priority for Kentucky.

Indicator 5C Separate Facilities: some are worried that baseline was not accurate because of COVID. This data will never be 0%. Some students are court-ordered to be there, or some are

attending Kentucky School for the Deaf or Kentucky School for the Blind. There is less of a reduction here and a drop from 1.55% to a 1.25% by FFY2025.

Indicator 6A Preschool Environments/Regular Classroom is set it at 77% for regular school aged. Here they went to about 2% higher, goal of 79.%. Well over 100 districts met this target.

Indicator 6B Separate Classrooms/Facilities maintained around 4% and this includes a slight decrease down to 3.5%.

Indicator 6C Home Instruction: these numbers are already low, so a very slight change. A lot of questions about whether this is a negative or positive thing.

Preschool Outcomes: a lot of targets to share. 1s discuss students who entered below age expectations; 2s are students who entered at age expectations.

Indicator 7A1 social emotional (there are 5 different tests districts use, and we get the data from UK's Human Development Institute). We are meeting expectations at about 40.18% and recommending a fairly aggressive target for this, raising it to 50.5%.

Indicator 7A2 we are below expectations for Social Emotional and the trend line is pretty consistent. Setting at a 2% increase from where they are now.

Indicator 7B1 Acquisition and use of knowledge and skills. This is meeting expectations with setting a 76% goal target.

Indicator 7B2 is below expectations with a more reasonable goal of 50.5%

Indicator 7C1 is use of appropriate behaviors to meet needs with an expectation target of 55%.

Indicator 7C2 is below expectations with a target of 45%. There is a lack of early intervention services and COVID may impact that heavily in the near term.

Tal Curry mentioned:

Preschools on average are 3/5 hours, 4 days a week. This is to clarify in relation to when comparing to high school.

Sylvia Starkey added:

Indicator 8 deals with Parent Engagement – suggested a 2% increase. Brought survey questions with me today. There are 14 different questions, but only one is dedicated to this indicator. "Did the school involve you in a meaningful way …" Lots of discussion about better disseminating this survey. If we get a significant increase it will skew our data, but that's ok. We don't want to discourage districts from sharing the survey. The goal was thus a more modest increase to 92%.

Tiffanie Clark asked about how different district information is looked at and shared?

Sylvia Starkey replied:

We looked at districts, but also looked at regional data, using the co-ops as the method. The co-ops really push this information out. We are going to look at things like the dissemination process over the next few years and we want more people to respond, but we want to maintain the satisfaction.

Indicator 14 post school outcomes includes the percent of youth with IEPs who are no longer in school. UK provides this survey.

Indicator 14A, Higher Education enrollment, is around 17.75%. We really want to push on this one, so the stakeholders suggested a goal of going to 21% by 2025. This is an ambitious target, and maybe a statewide initiative to reach that goal.

Indicator 14B, Higher Education or Competitively Employed, the 17.75% of 14A is included here and stakeholders are looking at an aggressive goal of 57%. The trend here has been going down over time.

Indicator 14C, Higher Education Competitively Employed or Other Employment or Training are cumulative with a 68% average over the last few years. The goal was recommended at 72%.

Indicator 15, Resolution Sessions are part of Due Process. Districts and parents have time to get together and talk about the situation before going to full mediation. Recommendation of 50% was to say to parents "If you take your concern to a due process hearing" there's a 50% chance you will be able to settle. Anything less than 50% would discourage parents from entering this part of the process.

Indicator 16, Mediation, includes an impartial mediator with parents and districts (2018 was an outlier year). We're looking at how many mediations resulted in an agreement and stakeholders felt maintaining 75% was important. We want there to be more mediation than due process because mediation is less adversarial.

Tal Curry asked:

Some of the compliance indicators aren't here. Can we get that data?

Sylvia Starkey responded:

You can propose to the chair that the panel request that information.

Break for lunch and returned at 1:00 pm.

Brian Lovell mentioned the SAPEC opened the floor for discussion.

Tonika East mentioned:

Can we get dual enrollment numbers for students with disabilities? Also propose that disability numbers for decrease in math scores be pulled out.

KDE staff responded: I'm not sure if we know those numbers for those enrolled in post-secondary or university. If we know the challenges for those students, to know if they are getting what they need while in dual enrollment.

Brian Lovell asked if the dashboard has gone live?

Sylvia Starkey replied:

The child count by county dashboard is live and the next one to go live will be the State Performance Plan.

Dispute Resolutions and Mediations in 2020-2021, there were seven mediation requests, five held and four came to agreement. There were eight Due Process hearings, four had hearing, three of those had agreement, and none of them were fully adjudicated. Five were withdrawn or dismissed. Mediation numbers are very low in comparison.

Amy Crump mentioned:

Anecdotal information I've encountered being a school mental health coordinator: I've seen times where a student is basically getting babysat, but there's no proactive work to keep the crisis from happening. I wondered how that data is collected.

Amy Patterson responded:

It's either entered into Infinite Campus or it's not.

Sylvia Starkey mentioned:

What is entered is very closely looked at, not just by our office.

Amy Patterson added:

There is a data visualization tool the school can use. You can request that as a parent, or during an ARC meeting.

Tiffanie Clark provided:

Sometimes teacher data will be more helpful than Infinite Campus (IC), because in IC you have to know codes to search for.

Amy Crump added:

I think it would be very important to add this to what parents are told they can ask for.

Brian Lovell asked:

Can we get data for our January meeting and maybe appoint an ad hoc committee?

Amy Patterson replied:

I am not sure how I will get the data?

Brian Lovell asked:

Can we focus on math, or another option for a certain data set?

Amy Crump asked:

Is Infinite Campus the only way to report this data? Do we have to request it individually one person at a time?

Sylvia Starkey responded:

We can bring together what we do have and bring it to the next meeting.

Brian Lovell added:

Trainings or slide decks would help us figure out better ways to get this out to parents and we would like those for our January meeting.

Maria Kemplin added:

Data points seem very important, so I would like us to be able to dig deeper into these at a future meeting.

Joe McCowan responded:

It might be very helpful to think about what questions the panel has and how we can access the data. This might lead the group to focus a committee about this information.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: State Systemic Improvement Plan

Presenters: Veronica Sullivan, Dir. Div. of IDEA Implementation and Preschool; Waldrop, Dir. Div. of IDEA Implementation and Preschool

Summary of Discussion:

Veronica Sullivan provided a presentation on the State Systemic Improvement Plan.

Goal today is to share our proposed targets and allow you opportunity to provide some feedback. This will be brief but let us gather more detail for later meetings.

In 2013, OSEP came to conclusion that focusing on compliance is not getting kids what they needed. So they adopted a new accountability to better balance factors, balancing compliance and results indicators.

In attempt to balance, they charged state to have broad plans to address students with disabilities. In the past, if there was slippage, you had to come up with plans to address slippage in each individual indicator.

They wanted us to look at the whole SPP, all of the indicators, and focus on getting a broad systemic change for those indicators.

Indicator 17. This Indicator has its own stakeholder system. We set down with our stakeholders to develop our goal.

The goal is to increase percent of students with disabilities to perform at or above proficient in middle school math, specifically in 8th grade, with emphasis on reducing novice performance. We are working with middle and elementary teachers, but we measure in 8th grade. We determined that teachers needed support to implement strategies in the classroom and we focus on supporting elementary and middle school teachers.

When we work with our districts, we help them analyze their data to see if they need to focus on PBIS or Math specifically. Most districts need the math, but data will tell them that best.

Amanda Waldrop shared additional SSIP information.

Transformation Zones are areas of support for school districts to help scale the work.

This is a gradual scaling process. We are learning what is working well within each unique context, so we learn more and more as we grow, and then we begin to grow faster and faster as we scale.

We have ongoing stakeholder engagement. Schools can report barriers they are having, and the report goes all the way through the system to KDE.

We are focusing on new targets for SPP. We are proposing aligning 3B math assessment, not including alternate. Target for 3B 8th grade math targets. The goal will help us have a statewide focus on 8th grade mathematics.

Jeff Coles asked:

Is this focused on Positive Behavioral and Intervention Supports (PBIS)?

Veronica Sullivan replied:

They can still focus on PBIS training, but they will have to do the math focus as well.

Tonika East asked:

With 3B, we only see the decrease in 4th and 8th grade?

Veronica Sullivan responded:

We are working on the General Education setting. When we were making the determination of what the target would be, we decided to focus on the general education setting, so it's the same data you see in 3B.

Tonika East added:

It is still interesting that you chose 8th grade when the decrease is in high school.

Veronica Sullivan replied:

There was a lot of discussion about that, and a lot of disagreement. Some people wanted to go back to focus on preschool. There are multiple reasons why 8th grade came up and 4th grade and high school were also considered. If we wait until high school, it's a little too late to take that measure.

We still work in preschool and high school but just sets the target as 8th grade.

It is a multi-phase, multi-year plan OSEP came up with. Data and gathering first, then plan year, the evaluation and evaluation data. Takes 3-5 years to implement a change in the state. We are in the evaluation step in this process. To see statewide impacts on your targets will take time.

Joe McCowan added:

We're at a point now where we are looking at how to scale this up statewide.

Tiffanie Clark asked:

With change in COVID, big changes otherwise in education, do we have a chance to come back to this if there are big changes in education?

Veronica Sullivan

We have to think about how we continue this work while districts are disrupted and struggle to make systemic changes. So, we are focused on meeting with districts, and then they will be the origin of the process. But during the pandemic we had to go straight to the teachers because that was the only way we could get to them.

Jeff Coles asked:

What percent is focused on PBIS?

Veronica Sullivan replied:

I would say not very many at this point. Pieces of the dashboard for PBIS haven't been finalized yet.

Amanda Waldrop added:

We are working with districts on Implementation Science. They can apply similar practices to other areas.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Open Meetings and Robert's Rules of Order: Core Concepts

Presenter: David Wickersham, Program Manager, OSEEL

Summary of Discussion:

David Wickersham provided a presentation about the Open Meetings Act and Robert's Rules of Order.

Open Meetings Act is related to the formation of public policy and public business.

Brian Lovell asked Dr. East to assume the Chair temporarily.

David Wickersham provided a presentation.

A meeting is defined in KRS. This can be teleconference if a quorum is present and discussion of Board or panel activity is discussed.

Public Agency includes a 'body' created by Executive Order (which is how all of you were appointed to this Panel).

Teleconferencing is how we are holding this meeting. It is a single meeting occurring in more than one location with video and audio equipment. Each location where someone is participating is a 'meeting location.' There is an Attorney General's opinion that you are supposed to have an agenda listed at each location.

Open meetings must be open to the public. For example, a homecoming game where members attend onsite together. In this instance, members can get together but they cannot use it as an excuse to make decisions.

Exceptions exist related to litigation. For example, you can go into a closed session to receive legal advice.

The schedule of regular meetings needs to be convenient to the public.

Video teleconferencing is an option that public agency may conduct any meeting through video conference. But there are narrow compliance requirements. The meeting notice must specify what kind of meeting; primary location; participation and these shall apply at 'each meeting location.'

If you have members who cannot be seen or heard can possibly be open to violation and/or challenge.

Video conference meetings are open to interruption and any interruption requires you to stop the meeting until they can be seen and heard again. Not an easy thing to comply with. For example. there are 31 members of SAPEC. If you have 4 online, and one is having internet trouble, the meeting must be stopped for everyone.

General Assembly made this Statute, and you can assume that they wanted meetings like this to be open and accessible to the public.

Historically, before, SAPEC met at other spots of the state (and this has included challenges with network access). If a technical or online problem occurs during these meetings, you would have to stop the meeting.

Tonika East mentioned:

We had that happen the first meeting.

David Wickersham added:

Minutes have to be taken at every meeting that is accurate record of motions, actions, or other items. These minutes must be made to available to the public.

Conditions for attendance: SAPEC cannot establish any obstacles to attending a meeting (example given of a sign in sheet where we require giving us information before you are allowed to attend – that is not permitted)

You have to have a big enough room with enough lighting, acoustics to make sure the public can access the meeting. You can't require names or contact information for entry as a member of the public.

There are some mitigation factors, such as some situations where you may have to sign in to get access to a building, but not sign in to access a meeting.

There are some procedures you can use if someone thinks the Open Meetings law has been violated. You could submit a letter to the Chair of the Panel in this case. The response from them is the next step. Then that becomes a final action of the agency. They can then appeal to Attorney General's office. The Attorney General issues an opinion, and then the process continues.

If you think about the thousands of meetings that happen around the state, you see there aren't a ton of violations typically.

Audio teleconferencing from AG during height of pandemic: As of June 2021, public agencies are no longer allowed to host audio-only teleconferencing option.

OSEEL is responsible for compliance with the Open Meetings Act. We don't have the authority to tell you a way to conduct meetings, but we are here to alert you when we think there is a violation.

Jason Jones asked:

Do participants need to have video on?

David Wickersham replied:

The best advice is to maintain a presence in the room by having your camera on.

Joe McCowan added:

We want the public to see that it is actually you that is making the comment.

David Wickersham responded:

It's also a concern about maintaining a quorum.

Tal Curry asked:

Some locations do not have great internet. In an issue with a person having trouble, can they back out of the meeting?

David Wickersham replied:

The issue for me is that it might change the nature of the meeting. Did it go from a virtual meeting or hybrid to an in-person meeting? You are basically changing where the meeting is 'taking place.'

Joe McCowan added:

This group needs to consider how this plays out.

Tal Curry replied:

Like the tornado situation, some who thought they could participate might not be able to.

Traci Brewer asked:

How does KDE alert the public?

David Wickersham replied

The Communications office at KDE sends out the notice.

Joe McCowan added:

For example, when we were looking for a new room with more space, we had to change the meeting location and a new public notice was sent out.

David Wickersham responded:

There is a page on the KDE website for advisory group information.

Brian Lovell takes the Chair again

David Wickersham added:

Open Meetings applies not just to SAPEC as a whole, but applies to subcommittees you have or will have. As a practical matter, if you are meeting in person, each Committee follows the same open meetings requirements (someone chairs, someone records actions, etc.). Where it can get complicated is if you have committee meetings through video conferencing. Each meeting has to comply with the same rules as the larger SAPEC.

Say you have three committee meetings as part of SAPEC. When you gavel out to go to the subcommittee meetings, if you are video teleconferencing, each one will have to have someone monitoring the connectivity, requirements for remaining on screen, and all those things going on

simultaneously for each subcommittee. If you have 4 meetings, KDE will have to staff each meeting with all those components.

You can do the meetings sequentially instead. It will become a longer meeting that way. Doing it simultaneously, we will just need more staff.

Brian Lovell added:

In addition to the administrative support, we would also need to have interpretive services available. As we approach our work today, when we do the subcommittees, we will have to bear this in mind.

Tonika East asked:

If I miss the reviewed minutes, but I have a correction. What do I do?

David Wickersham replied:

You can make a motion to revisit an action, with the Chair's approval.

Joe McCowan responded:

I want to make sure all the members know they can bring anything up. We want to make sure we are meeting your needs to the fullest degree.

David Wickersham added:

Robert's Rules. Parliamentary procedure for how to conduct a meeting are useful when you have a larger group like this one.

Typically you have a fixed order of business with a call to order, minutes, etc.

Participation includes making motions, seconding motions, debating once recognized by the chair, and then voting on motions.

Basically, the main procedure is to get attention of the chair, then take the action you intended.

Voting procedures can be voice vote, roll call vote (unusual, but used often for roll call vote), or by general consent.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: 2022 Meeting Schedule

Presenter: Chair Lovell

Summary of Discussion:

Brian Lovell opened the discussion:

SAPEC meetings have typically been one full day and one-half day meetings. The following 2022 meeting schedule is being proposed:

- January 13th – 10:30 am – 3:30 pm at Sower Building. (Special Called meeting).
- Feb. 17th-18th – will take place at Frankfort Capital Plaza Hotel, 10 am Thursday am, Friday at 8:30 am and done by noon. Full day Thursday, half day Friday.
- May 19th-20th at General Butler State Park. (NKY area).
- August 18th-19th, at Lake Cumberland State Park or Dale Hollow. Need to decide.

Joe McCowan added:

The February meeting is typically always in Frankfort since the legislative session is meeting. As we try to be spread out across the state, we have two meetings a year that we spread out for geographic representation.

Motion by East that the August 18-19 mtg take place at Lake Cumberland, Second by April Miller. Motion passes without opposition.

Brian Lovell added:

The Fall meeting is proposed on Nov. 20-22nd, in Louisville. We have had some discussions about having our meeting in advance of the fall conference so we can take advantage of attending the conference sessions. But we have to coordinate not having a quorum in attendance of each session.

Our quorum is 51% of our composition, which is the 21 members. We've appointed to the panel in excess of the federal requirements. So we would need to make sure we have no more than 10 people in each session of the November conference.

We might have to have business on Saturday and first half of Sunday, then free to patriciate in the conference beginning on Sunday when it begins after lunch.

Motion by Traci Brewer to accept proposed dates and times Second by Jeff Coles. Motion carries without opposition.

Brian Lovell added:

In relation to the Open Forum, I would rather have that happen on Monday evening when there are no sessions going on and sessions end about 6 pm.

Joe McCowan added:

For the meetings held across the state, we will check with the state parks and see if they have meeting rooms and lodging avaialble.

Brian Lovell added;

Sessions end at 4:30 pm, so we have capacity to have the open forum that night.

Tonika East replied:

I make a motion that we have the Open forum during lunch in form of lunch format on Monday of the fall conference, Nov. 21st. It would begin at noon, and would concur at the same time as we have lunch.

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Dr. East made the motion above, Tyler Reed Seconded. Jeff Coles also Seconded. No vote yet (motion rescinded momentarily)

Brian Lovell added:

We would come up on Friday night, conduct business meeting on Saturday daytime. Sunday morning, we would meet until the Conference session begins. On Monday, when Opening Session ends at 12, we would have our Open Forum, and it would end with enough time for us to attend the 1:30, 2 pm sessions.

Veronica Sullivan added:

The I Can Award ceremony takes place during the KYCEC Conference lunch.

East Motion Rescinded.

Brian Lovell asked:

Do we entertain a motion to table the fall conference until next meeting?

Danny Slaton made the motion, Second by Tonika East, carries with no opposition.

East makes the Motion to allow open discussion on how we conduct meetings consider how we structure meetings going forward. Second by Jeff Coles. Motion carries with no opposition.

Tonika East mentioned:

I know we need to be flexible, but I am for in-person meetings. I support open, in-person meetings.

Tal Curry asked:

Do the committee meetings happen during regular SAPEC meeting?

Brian Lovell replied:

The committee meetings happen the same time as SAPEC meetings. Today we are going to discuss committees. However, we can't do them simultaneously because of the structure of this meeting.

If we go to in-person only meetings, we can break the groups up in different areas, and then we present each Committee discussion to the full panel.

Tal Curry added:

We are going to have a hard time with folks who will struggle to participate.

Brian Lovell replied:

We can certainly work to make panel members better able to participate.

Tal Curry asked:

If everybody is virtual, and no one is in person, does that change it? Subcommittees in particular?

Brian Lovell asked:

If subcommittee wants a meeting in between SAPEC, would they be subject to same meeting rules?

David Wickersham replied:

If any part of it is virtual, it will be subject to the same rules as virtual or in-person. You would have to follow the public rules and publicize. You have to have some opportunity for the public to access the meeting.

A critical component is to address is also the live-streaming portion option for meeting. If you have a meeting in that format, you have to operate the meeting, following the open meeting act rules, and live stream it for the public to access.

Maria Kemplin suggested:

I wanted to suggest that the work of the Committees might work better through online formats. Adding breakout sessions to being in-person. We can schedule it more flexible.

Brian Lovell responded:

What you're saying could possibly work. But we would have to very carefully coordinate with the KDE staff here to support this.

Tonika East replied:

Even with January's meetings, you're giving notice of 4 weeks.

Brian Lovell added:

This is a great point. The over-arching point I've heard is that we need to actively and proactively get our stakeholder engagement piece going soon. How do we get more parents here for the forum? The forum we had in November was brutal.

We need that parent involvement group working right away. Once that group gets together, they need to find ways to reach out to families.

The Committee work is big work.

Jason Jones added:

The virtual option allows more people an option to participate.

Traci Brewer replied:

I see both perspectives. I think we can explore ways to collaborate such as through Google docs. or email. But, coordinating via email is not open to the public. You don't want someone to come along and say they do everything by email, and it isn't open to the public. We've got to make information accessible. Many of us are parents of children with significant disabilities.

Brian Lovell added:

We have had discussions about providing opportunity to address the panel in advance in writing.

We can have a standing agenda item at beginning of each meeting, where a designee would share points from a discussion with the public. Then it happens as part of a meeting.

Tonika East mentioned:

I think Traci Brewer brings up a good point. Maybe we meet more often? If we possibly do a virtual meeting in an off-month.

Brian Lovell added:

As representatives of your group, you can host open sessions/forums as a panel member. That won't be subject to open meetings.

David Wickersham mentioned:

You are not convening the group, so it's ok. When KDE promulgates a regulation, there is a public comment period. It is my understanding that you can set up a public forum email, so you have a general forum pipeline where things can be shared by those who cannot attend meetings.

You could then have a standing agenda item to allow a panel member to report those items to the full Panel. Or you could have the leadership identify what information to share with the panel.

Brian Lovell added:

You can meet with your constituents as much as you want, as a panel member.

Joe McCowan mentioned:

It might make the public forums more meaningful.

Brian Lovell added:

There were people who might have wanted to speak, but just didn't understand who we are, what we're doing. They might not understand that we represent them.

Jeff Coles mentioned:

If considered, there must be some kind of order to it.

Traci Brewer added:

We can look at the geographic locations of everyone here, and see how best to organize public outreach.

Kathy Shepherd-Jones had to log off.

Jeni Bolander Mentioned:

I know what avenues I would take, but what have we used, what have we not used?

Brian Lovell added:

As someone who served on this panel previously, those open forums looked a lot like the last one. I think we lean into what each of us thinks is comfortable using.

Jeff Coles mentioned:

In the past, there was a form indicating SAPEC's goals, and then a line to write on for 'public forum.'

Brain Lovell added:

We can get meaningful input from parents, teachers, transportation folks, para-professionals, therapists. Then, when we come back as a group, we would have time to report out what

discussions took place, and the concerns involved. If no one shows up to an in person public forum, we can read out some of the online materials so that the KDE staff can get that feedback.

Michelle Morgan asked:

I'm a Speech Therapist, my question is what happens when parents bring the concerns?

Brian Lovell replied:

Excellent point. To reiterate: We already have a list of concerns, and what we would do to process those concerns?

We decide which committee each issue gets sent, or if it is outside of our standing committees, we can set up an ad hoc committee. We can then issue a report with our information.

Joe McCowan added:

The panel needs to define the stakeholder feedback process.

Jeff Coles responded:

We need to move to set up a committee.

Brian Lovell mentioned:

Let's talk about the main format for the main meetings we are going to have.

Jeff Coles added:

Why don't we have all the required meetings in person. That will fulfill our federal obligations. Then have everything else in hybrid formats as needed.

Jason Jones asked:

Why can't we do the Committee meetings online just the same as in person?

David Wickersham responded:

As a member of the group you would need to announce which one you will attend, but the public will need access.

Jason Jones added:

I can break out either in Teams and Zoom online now.

Brian Lovell mentioned:

What we were discussing earlier is that we need to support each of the meetings [with KDE staff]. Further discussions with our interpreters is that Teams is much more unwieldy.

Maria Kemplin responded:

I'm afraid that we're getting so formalized that we're getting to the point where we are pushing back. I participate on other state advisory boards where we use break out meetings in Teams.

Tal Curry added:

I am struggling with this challenge as well.

Jason Jones replied:

You do the best you can, and every single disability cannot be accommodated.

Tonika East mentioned:

I think we signed up to be on this committee, you signed up to be in person. I think OSEEL has been very accommodating thus far.

Maria Kemplin mentioned:

I think we will lose participation on this Advisory Panel and probably the public forum as well. Transportation is a major issue for folks right now.

Traci Brewer asked:

Is Zoom not considered ok?

Joe McCowan responded:

KDE has an agency agreement with Microsoft and we are required to use Teams. The conversation today has been very encouraging and enlightening. This discussion feels forced, and we are trying to balance out options to consider.

We want to be accommodating as much as possible. Knowing that the Governor appointed all of you, we want to work and make this work. We must ensure we are meeting the purpose of the group.

Jeff Coles added;

There are things that are required, and then there are things we have to do. We have to do the Panel meetings. Those won't be the only meetings we will have. So, let's get these 4 meetings in person, and we can move online for the other meetings.

Tonika East made the Motion that all 4 quarterly meetings be in -person. Seconded by Jeff Coles.

Traci Brewer asked:

But if COVID numbers come back up, what do we do? I can't come in person if my daughter is in danger.

Tonika East added:

If I have a doctor's appointment, I have to go in person.

Jason Jones replied:

That's different than using one online format.

KDE staff notified the Chair that several members left the online meeting.

Brian Lovell expressed:

We need to re-do the roll call to make sure we have a quorum so we can continue to conduct this meeting.

Roll Call:

- Ashley Barlow
- Christa Bell
- Jeni Bolander, present

- David Bradley, present
- Traci Brewer, present
- Lacheena Caruthers
- Tiffanie Clark, present
- Jeff Coles, present
- Amy Crump, present
- Ta Curry, present
- Tonika East, present
- Emily Cox
- Tammy Gilles, present
- Esther Hayslett, present
- Jason Jones, present
- Kent Kelsh, present
- Maria Kemplin, present
- Brittany Kleiner
- Mary Lavin, present
- Cora McNabb
- April Miller, present
- Michelle Morgan, present
- Noel Chadwick
- Tyler Reed, present
- Danny Slaton, present

Brian Lovell added:

We have a motion on the floor. We have a quorum present.

Jeff Coles responded:

If we've had two of our meetings, let's make sure we fulfill our requirements for 4 meetings.

April Miller suggested:

I suggest we use the committee organization or reports in the meetings each time, or in sequential order, so that we can have virtual meetings with everyone attending.

Tonika East restated her motion that all 4 quarterly meetings be held in person.

Maria Kemplin added:

What do we gain?

Brian Lovell reminded the group they are one minute past the meeting ending time.

Traci Brewer replied:

This seems to have started with a discussion with getting better input from the public, but now we've moved to talking about format for the whole discussion.

Brian Lovell responded:

To clarify, these are four meetings we hope to engage stakeholders around the state. These are ones that people can see in advance and can plan to attend.

Any one of us on this panel has the latitude and prerogative to hold daily forums with their constituents.

I'm acknowledging how uncomfortable and useless those public forums have been in the past. It's going to take a lot of work on the part of this panel to get the public to participate, through the actual public event or by panel members soliciting information.

Michelle Morgan added:

I know that we want parent involvement. Being there in person is a logistical nightmare for some parents. While we are trying to promote parent involvement, I would find it difficult to participate without the virtual option.

Brian Lovell replied:

The majority of this panel is members with disabilities or parents of children with disabilities.

Jason Jones added:

We're back in a circle here. We have the technical capacity to do these. We can do it or we can't. If we can't do it, there's nothing to vote on.

Brian Lovell responded:

My position is to not ever going to be to exclude anyone. However, we just had a significant portion of members online leave this meeting, and technically, we may have needed to suspend this meeting because folks turned their screens off.

If the implication is that I am trying to prevent anyone from meaningfully participating this meeting or any of our public meetings, that is not the case. The reason I am here is because I want to be here.

David Bradley asked:

This is a question for Joe McCowan: when the previous panel met, were there committee meetings?

Joe McCowan replied:

There was no committee work by the previous panel.

Tonika East added:

We all made a commitment. We could be at work today. We are not trying to exclude anyone. We want everyone at the table. I am here. We are all making sacrifices. For those online, you're at home. Somebody else is expecting us to play a role: such as father, brother, mother, sister, and I want all of us to be represented.

Jason Jones replied:

It sounds like someone is saying that I didn't care.

Lovell (gaveled to order) and responded:

Dr. Tonika East has the floor.

Jason Jones left the meeting.

Maria Kemplin added:

This meeting reminds me of IEP meetings, when we are getting pushback.

Brian Lovell replied:

I am committed to being here. My father died on Father's Day, and today is my 22 year old's birthday. But the will of the group was to meet, and I am here. I would not meaningfully chair this Committee if I were home.I am willing to entertain any type of motion on this. We need to take a step back and recognize we are here to support each other. If you believe I do not think you are not participating in a meaningful way because you are online, I am sorry for that. My intent was not to do that.

Tonika East asked:

Joe McCowan, please interject here. How have we run this in the past? Can you guide us to what the state sees for these types of meetings?

Joe McCowan responded:

I don't think anyone is being singled out. There's a lot of emotion. There is a lot of challenges with routines for this meeting. At some point we are all going to have to be on site, where we will have to conduct the meeting in person. There are barriers for all of us. Members leaving because they didn't feel they were being heard is frustrating.

David Wickersham, is there any opportunity to plan in January to help us move forward with some of the scheduling and work?

David Wickersham replied:

For video teleconferencing, the KRS describes it as an option for any public agency. If you elect to use that option, they give you the parameters you must follow.

In addition to following the KRS, there is a live streaming option.

Jeni Bolander added:

I'm a little concerned about watching Frankfort meetings that have folks without their screens on and off, even at various locations, such as a salon, that might not be appropriate for meetings.

Tiffanie Clark replied:

We're looking at tons of litigation, and I feel like education folks are following the law better than anyone else.

Jeff Coles replied:

There are only two options. We can't not do the meetings and there are not a lot of choices here. People are trying to avoid participating in long Committee meetings.

Danny Slaton added:

In reference to Dr. Jeni Bolander's comments about General Assembly meetings, folks do turn their cameras off or do things like join legislative meetings from the salon, they are all violating

the law. When it comes time for session and they vote on a bill like that, there will be challenges. My 'day job' includes protecting the Open Meetings law because transparency is so important.

We need to consider the amount of time KDE staff are spending staffing the panel. They have regular work to get back to. We all took the appointments as volunteers.

Dr. East reiterated her Motion for January, February, May and August meetings to be in person. Second by Jeff Coles.

Motion by Tal Curry to make them virtual as well. No Second.

Roll Call Vote on motion

Nays (7)
Alison Amshoff, Traci Brewer, Tal Curry, Tammy Gilles, April Miller, Michelle Morgan, Tyler Reed

Yays(10):
Jeni Bolander, David Bradley, Tiffanie Clark, Jeff Coles, Amy Crump, Tonika East, Esther Hayslett, Mary Lavin, Brian Lovell, Danny Slaton

10 Yays, 7 Nays

The yays have it and the motion carries.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: SAPEC Committee Organization and Planning

Presenter: Chair Lovell

Summary of Discussion: Motion to postpone SAPEC Committee planning, made by Jeff Coles. Second by Amy Crump. Motion passes without objection.

Feedback: n/a

Follow-up Required: Committee Organization and planning will take place at next meeting.

Agenda Item: Adjournment

Presenter: Chair Lovell

Summary of Discussion: Motion to adjourn made by Danny Slaton. Second by Tonika East. SAPEC meeting adjourned at 4:03 pm.

Feedback: n/a

Follow-up Required: n/a