



***DIRECTOR OF SPECIAL EDUCATION  
ADVISORY GROUP***

**Kentucky Department of Education  
Meeting to be held virtually via Microsoft Teams (See invite for link)  
November 16, 2020  
1:00-3:00 pm EST**

**Purpose:** The Director of Special Education (DoSE) Advisory Group was created to advise the Office of Special Education and Early Learning (OSEEL) on issues relevant to special education. The DoSE Advisory Group consists of 9 members who each represent a Special Education Cooperative region of Kentucky. The members of this group provide valuable feedback and engage with Kentucky school districts to provide support for special education. The advisory group members meet with the OSEEL staff, both in person and virtually, to discuss needs in the area of special education support provided in Kentucky school districts. The members provide feedback on critical issues that align with the OSEEL priorities and this feedback is used to help shape the guidance and support being provided by the OSEEL staff.

**AGENDA**

**I. Roll Call of Members**

Kim Chevalier, Chair  
Jefferson County Public Schools

- A quorum was established

**II. Review and Approval of Minutes from Last Meeting**

Kim Chevalier, Chair  
Jefferson County Public Schools

- Jodi Hall made a motion to approve
- Wendy Congleton seconded the motion
- All were in agreement via roll call

**III. Welcome**

Gretta Hylton, Associate Commissioner  
Office of Special Education and Early Learning

- Hylton thanked members for coming together and thanked all for their leadership in their districts.
- Dr. Jason Glass is the new Kentucky Commissioner of Education.
- Dr. Thomas Woods-Tucker has been hired as KDE's new Chief Equity Officer and is working with all KDE policy advisors.
- Dr. Thomas Williams is the new OSEEL policy advisor. He is working to review initiatives related to equity and anti-racism.
- David Wickersham has joined OSEEL
- Differentiated Monitoring and Support (DMS 2.0)-The Office of Special Education Programs (OSEP) has chosen Kentucky to be monitored in cohort 1. Fiscal will be the first area of general supervision.
- Dec 1 Child Count and federal funding-federal funds are not contingent on Dec. 1 Child Count.
  - Karla Miller, Chris Thacker and Amy Patterson joined the meeting to answer

questions.

- Traci Sharpe asked “Is it possible for the funding to remain the same as we have done for SEEK funding.”
  - Thacker explained that the SEEK add on is based on Dec. 1 count for ages 5-20 and that it is weighted by disability. OSEEL is not sure what the Office of Finance and Operations (OFO) is going to do in regards to the formula or SEEK this time. The state does have to make available the funds to provide special education at the same level or increase it-the state maintenance of financial support.
- Sharpe asked if the weekly December 1 report could be run weekly during the last week before Child Count.
  - Patterson explained that it will not be possible due to Infinite Campus only populating for that report each weekend. She also explained that the IDEA Child Count Extract will provide the same information.

#### **IV. Proposed changes to Regulation 707 KAR 1:340**

Gretta Hylton, Associate Commissioner

Office of Special Education and Early Learning

- The regulation contained outdated information on the form.
- The notice of ARC and prior written notice was also reviewed. It had been confusing so it was changed to model the federal regulations.
- There will be a public comment opportunity.
- Kim Chevalier asked if districts would need to go back and change any district policies and procedures.
  - Hylton explained that it is mainly a clean up of the language.
- Chevalier asked if there would be change in IC forms?
  - Hylton explained that it would be more of a training issue.
- Traci Sharpe asked if it is possible to look at other changes that may be needed while the regs are open.
  - Hylton explained that it can be; however, it's important to make sure that it is something that could not be handled with training and professional development rather than regulatory changes.
  - Sharpe will send a list of specific information directly to Hylton from her coop meeting.

#### **V. School district sharing/Question and answer session**

DoSE Advisory Group Members

- Troy Cobb expressed that they have students who receive therapy services (OT/Speech) who are traveling outside of the state with their parents on a regular basis, but still participating in NTI . He shared they are hearing therapy cannot take place out of state lines so he asked for feedback from the group.
  - Sylvia Starkey explained that she has been in contact with ASHA and they explained since the person is a student and not a patient, it gives more flexibility in the situation. Additionally, it isn't as much of an issue if the student is traveling to rather than residing in another state. She will continue to gather information to share.
- Greta Stanfield shared they have a handful of parents completely refusing virtual services. She asked the group, “do we document that and let the IEP ride or do we exit kids?”
  - Hylton expressed that the National Association of State Directors have been discussing this. Pre-pandemic she shared that if all attempts were documented to provide services and they did not take advantage of them, then she would have convened an ARC to exit. She and Stanfield discussed that the students would be

- back. Document! Document! Document! This will need to be handled on a case-by-case basis and be sure to do everything you can/make MULTIPLE attempts to reach parents and students however you can. Make a good faith effort!
- Kim Chevalier shared that in a Sept. meeting with Julie Weatherly, Esq. her thoughts mirror Hylton's response...especially if you know that it is because of the pandemic. Stay in touch and document.
  - Jodi Hall asked if it is appropriate for an ARC to convene and agree to make less frequent contact.
    - Hylton cautioned against making the decision to provide less based solely on the pandemic; however, it can be noted that it may look different or be less often, yet more intense. Also be careful not to get into a cookie cutter situation for services. Hall clarified that she is referring to students/families who are not participating in services and whether the ARC can meet to decrease the number of attempts.
    - Hall and Hylton discussed that the facts will be important in this situation such as good faith effort, multiple modes of communication, etc. and document everything.
  - Hall also asked about a situation where the parents signed consent for evaluation then the parents withdrew the child to homeschool or private school and will not allow access to do the evaluation. ARC attempts have been made, but the parents do not come. Is it okay to convene the ARC and stop the evaluation process until the parent will allow access to the student?
    - Hylton asked for clarification on initial vs. re-eval. Hall indicated some of both. Hylton shared that it may be good to do a record review for a re-eval and that she and Sylvia could consult on specific situations going forward.
    - The group discussed for an initial the 60-day-timeline would still be in place so the ARC would need to meet back and determine insufficient data was available to determine eligibility to prevent any violation of IDEA. Once there is access to the student, child find obligations would still exist.
  - Hall asked about a situation where a student leaves the district to go to homeschool/private school and his/her IEP expires while they are there. If the student returns to the district, can the IEP be reinstated if the student still has active eligibility? What if the student's eligibility has also expired?
    - Hylton shared that she would want to do some research and that this situation would be fact-specific. For example, a lot of things could have changed in the child's life that could potentially impact eligibility. There is caution in using old data. Hall asked for clarification and the group confirmed that there wouldn't be harm in going forward and providing services even if the IEP had expired.
  - Traci Sharpe asked if there is still a DoSE Institute on March 9th.
    - Hylton and Karla expressed that they have the contract, but have not signed it yet. The group discussed and were in agreement of not signing the contract due to the pandemic numbers rising.
    - Hopefully by late summer, early fall we will be able to have something.

## **VI. 2021 meeting schedule**

Kim Chevalier, Chair

Jefferson County Public Schools

- Joe McCowan shared proposed dates/times with the group. The dates/times decided on are the following:
  - Meeting Dates (1-3 pm)
    - February 17 (Wednesday)
    - May 26 (Wednesday)

- August 18 (Wednesday)
- November 17 (Wednesday)

## **VII. Adjournment**

Gretta Hylton, Associate Commissioner

Office of Special Education and Early Learning

- Traci Sharpe made a motion to adjourn the meeting
- Greta Stanfield seconded the motion to adjourn
- All were in agreement via roll call

Next Meeting: February 17th (1-3 p.m.)