



**STATE ADVISORY PANEL for EXCEPTIONAL CHILDREN
(SAPEC)
SUMMARY**

NOV. 22, 2021

ATTENDANCE:

In person: David Bradley, Traci Brewer, Tiffanie Clark, Jeffrey Coles, Amy Beth Crump, Tal Curry, Tonika East, Emily Fox, Esther Hayslett, Brian Lovell, Maria Kemplin, Brittany Kleiner, Tyler Reed, Daniel Slaton

Virtual: Christa Bell, Jeni Bolander, Melissa Ferrell, Tammy Gilles, Jason Jones, Cora McNabb, April Miller, Katherine Sheppard-Jones

ABSENT: Alison Amshoff, Ashley Barlow, Lacheena Carothers, Kent Kelsh, Mary Lavin, Michelle Morgan, Chadwick Noel, Krista Payne, Cassie Jo Robinson

SUMMARY:

Agenda Item: Welcome/opening remarks

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Summary of Discussion: Lovell recognized that a quorum appeared present and greeted the SAPEC members and audience. Danny Slaton agreed to serve informally as secretary for this meeting due to an officer resignation. The meeting was conducted as hybrid (virtual/in-person).

Agenda Item: Review meeting norms

Presenter: Joseph McCowan, Systems Consultant, Office of Special Education and Early Learning

Summary of Discussion: McCowan discussed the purpose of the meeting, norms and expectations.

Agenda Item: Roll call

Roll call was conducted by Lovell for in-person, and McCowan conducted roll for online. A total of 23 members, to include ex-officio member and KDE associate commissioner Gretta Hylton, were present.

Agenda Item: Review and approval of Oct. 27, 2021, meeting minutes.

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Discussion: Members did not have any changes to the minutes from October.

Action: Motion to approve the draft minutes was made by David Bradley and seconded by Tonika East. The motion carried unanimously.

Agenda Item: Review and approval of SAPEC bylaws

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Discussion: There are several changes included in the new proposed by-laws . There were minor changes and clarifications to annual reports, terms of membership, attendance, officers, terms of officers and the Executive Committee.

Action: Motion to approve the draft by-laws as amended was made by David Bradley with a second by Jeffrey Coles. The motion carried unanimously.

Agenda Item: Review and approval of SAPEC annual report

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Discussion: Members reviewed the annual report as presented.

Action: Motion to approve the annual report was made by David Bradley, with a second by Tonika East. The motion carried unanimously.

Agenda Item: Special Education Teacher of the Year finalists greeting

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Discussion: The Special Education Teacher of the Year finalists were not yet present, but later joined the meeting.

Action: Motion to suspend the rules and amend the agenda for the Nov. 11, 2021, meeting was made by Jeffrey Cole with a second by Traci Brewer. The motion carried unanimously.

Agenda Item : SAPEC orientation and priority setting

Presenter: John Copenhaver, Program Director, Division of Technical Assistance, Utah State University Institute for Disability Research, Policy and Practice, Technical Assistance for Excellence in Special Education

Discussion: Copenhaver offered an introduction to the SAPEC panel that included the history behind federal legislation guiding services for children and youth with disabilities. He also covered meeting operations and expectations, and guidelines for what panel members should expect from the panel and of themselves.

Action: N/A

Discussion Item: Lovell advised the panel of the need to amend the agenda for Nov. 23, 2021, meeting to include: Special Election of Secretary, Committee organization and assignments.

Action: Motion to suspend the rules to approve the amendments as read for the Nov. 23, 2021, meeting was made by David Bradley with a second by Tyler Reed. The motion carried unanimously.

Meeting break before public forum, returned at 4:30 p.m.

Public Forum: *Lovell reconvened SAPEC for public forum at 4:30 p.m. by reading an opening statement advising of the panel's purpose, how the panel will respond to public comments and expectations of comments/response. There were no parties who sought to address the panel, and the panel recessed at 4:44 p.m. to the panel will reconvene at 8:30 a.m. on Nov. 23, 2021 .*

NOV. 23, 2021

ATTENDANCE:

In person: David Bradley, Traci Brewer, Jeffrey Coles, Amy Beth Crump, Tal Curry, Emily Fox, Esther Hayslett, Maria Kemplin, Brittany Kleiner, Brian Lovell, Tyler Reed, Daniel Slaton

Virtual: Christa Bell, Jeni Bolander, Tiffanie Clark, Melissa Ferrell, Tammy Gilles, Jason Jones, Kent Kelsh, Cora McNabb, April Miller, Katherine Sheppard-Jones

MEMBERS ABSENT: Alison Amshoff, Ashley Barlow, Lacheena Carothers, Tonika East, Mary Lavin, Michelle Morgan, Chadwick Noel, Krista Payne, Cassie Jo Robinson

SUMMARY:

Welcome/Opening Remarks

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Summary of Discussion: Lovell recognized that a quorum appeared present, and opened with a greeting to the SAPEC members and audience.

Agenda Item: Review meeting norms

Presenter: Joseph McCowan, Systems Consultant, Office of Special Education and Early Learning

Summary of Discussion: McCowan discussed the purpose of the meeting, norms and expectations.

Agenda Item: Roll call of members

Roll call was conducted by Lovell for in-person, and McCowan conducted roll call for online. A total of 22 panel members, to include ex-officio member associate commissioner Gretta Hylton, were present.

Agenda Item as Amended: Special election of Secretary

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Action: Motion to elect Daniel (Danny) Slaton as Secretary of the panel was made by David Bradley, with a second by Tyler Reed. The motion carried unanimously.

Agenda Item: KDE Update:

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

Hylton recognized the 200th anniversary of the Kentucky School for the Deaf (KSD), noting the resources and services the school provides on-site and throughout the state.

Hylton presented the panel with a background of the Office of Special Education and Early Learning (OSEEL), along with the established priorities of OSEEL going forward, to include improving instructional and discipline practices, enhancing communication with shareholders, bridging supports from early learning to kindergarten, fostering family/parent engagement and preparing/recruiting high-quality staff.

Hylton advised the panel that 10%, or \$30M, of the American Rescue Plan funds had been set aside for OSEEL to focus on those priorities, and she noted a sharp decline (6,000) in early learning programs due to the COVID-19 pandemic. She advised the panel that OSEEL is raising awareness of early learning loss, monitoring district usage of ARP funding, and monitoring for enrollment and recruitment of staff. One component, Kentucky LEADS, is geared toward developing/recruiting directors of special education. The program has 30 scholars in the program and will offer 15 slots per year.

Hylton further informed the panel that a number of personnel development grants had been allocated to focus on behavior, as well as academics, with a particular emphasis on math. She highlighted the expansion of the Dolly Parton Imagination Library to be implemented statewide. This program provides a free book each month to children from birth to age 5 and is designed to foster relationship-building with parents/students, early literacy and infant/pre-K development.

Hylton provided the panel with background on the fiscal monitoring conducted through OSEEL and advised that 20 districts were selected for monitoring this school year to identify how local districts are utilizing IDEA funds. She further advised that the department also is in the target-setting phase of the State Performance Plan/Annual Performance Report (commonly referred to as SPP/APR) and the panel would be provided more information at the next meeting.

Amy Patterson, who serves as KDE's IDEA Part B data manager, provided the panel with an overview of a new dashboard project. The department collaborated with KY Stats to provide a number of useful data sets as they relate to children with exceptional needs. The number of identified students, for example, can be examined by the state level, regional level and local level and already has three years of data entered into the dashboard. Hylton asked the panel for feedback and said she looks forward to rolling the project out imminently.

Hylton also was recognized by the National Association of State Directors of Special Education (NASDSE) as the national president-elect, as was Patterson, who is chair-elect of NASDSE's Data Affinity Group.

Agenda Item: Due Process Update

Presenter: Sylvia Starkey, Director of the KDE Division of IDEA Monitoring and Results, Office of Special Education and Early Learning

Starkey provided several updates to the panel regarding due process provisions and how the process works when the panel reviews and comments on outcome of due process hearing. Starkey provided information about the dispute resolution websites and drew distinctions between the three kinds of resolutions: mediation (when districts/parents get together to make mutual decisions); and IDEA formal complaint lodged with the KDE; and due process hearings.

When the process is completed, it becomes "fully adjudicated," information is redacted from the reports and they are posted to the KDE website. Starkey indicated there have been no due process hearings that have been fully adjudicated - and not yet reviewed - by the panel at present.

Starkey indicated that the Exceptional Children Appeal Board (ECAB) is the formal avenue for appeals of due process hearing outcome. She indicated that the basic elements are the same, although the writing style is different between hearing officers. Starkey indicated that a parent/guardian or the school district may file a due process hearing request on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child, or the provision of a free appropriate public education (FAPE).

Starkey also apprised the panel of the distinctions between ‘Findings of Fact’ and ‘Conclusions of Law.’ There will be an order from the officer on the disposition and any corrective action which may result. The panel’s function is to review these before meeting, discuss the details and any concerns, identify any trends and formulate advice and commentary under the panel’s function to identify any unmet needs.

Hylton and Starkey explained that, in some states, there are hundreds of due process cases, depending especially on size. Kentucky only sees this occasionally, which is a relatively good thing. They said there is a process at OSEEL that seeks to open lines of communication between parents, students and the district.

When they cannot resolve the situation at the local level, it can go to the due process or other resolution options. Starkey indicated that last year had seven requests for due process, but nothing made it all the way to adjudication, so no reports were brought to the SAPEC panel.

Lovell indicated that part of the committee’s work would be to address issues like those and asked about the legal standards for hearing officers. Starkey indicated that she would provide the panel with that information at an upcoming meeting.

A floor motion to suspend the rules was made by Maria Kemplin and seconded by Jeffrey Cole to take a 20- minute break at 10:30 a.m.; the motion passed unanimously.

Agenda Item : Special Education Cooperative Update

Presenters: Christel Bogar, Director of Special Education/Ohio Valley Educational Cooperative, and Brandi Bray, Director of Special Education/Southeast South-Central Educational Cooperative

Bogar began by discussing work going on in the cooperatives and gave an overview of their functions. She said task groups exist that meet to on a monthly basis to find local trends and statewide issues and share information with their counterparts. Those task groups set the scope of work for the year and focus on it. With respect to the State Systemic Improvement Plan (SSIP), the groups identified that improvement is needed in the area of math and is working at the local, cooperative and statewide level, but saw some slowdown in the work with onset of the COVID-19 pandemic. Christel said the groups are happy to begin having better data collection, meetings and onboarding with new staff. Bogar also indicated the cooperatives are working on additional supports to alleviate the teacher shortage, to support new teachers and retain the teachers that are in districts. The cooperatives are providing training, supports, Professional Learning Communities (PLC) and after-school activities, and are considering some virtual learning. This training is primarily related to IEP development, Moderate/Severe teachers with unit planning, evidence-based planning and similar topics. She noted that after returning to in-person instruction, there are a lot of behavioral issues due to breaks in instruction and the overall disruption of the pandemic itself.

Bray told the committee the cooperatives have developed a lot of online modules to support districts. There are variety of topics, including paraeducators, regular education, special education and School Resource Officer (SRO) training. She said these online modules have helped other states as well and there are over 100 modules, with roughly 33,000 certificates issued across the U.S.

Bray also said they were working on parent/caregiver websites, working with task groups via Google and providing technical support to districts with state monitoring activities and Corrective Action Plans (CAP), by conducting root cause analyses, helping craft the CAP and providing training and ongoing support.

said there are nine cooperatives across the state, and provided access to the PowerPoint that outlined contacts for the DoSE in each cooperative. She further explained that while the cooperatives are a support to school districts, they also support other organizations and groups such as the Department for Juvenile Justice and parents.

She also pointed out that many of the larger districts have more local resources and coaches than many rural, smaller districts.

Agenda Item: 2022 Meeting Schedule

Presenter: Brian Lovell, Chair, State Advisory Panel for Exceptional Children

Following a short recess, the panel reconvened for a discussion on planning meetings for the upcoming year. Lovell suggested that, given the amount of work that the panel needed to complete, members should consider a special called meeting in December to get clarity around the SPP/APR and set priorities.

A floor motion to suspend the rules was made by Traci Brewer and seconded by Brittany Kleiner to allow for free debate on scheduling the next two sessions; the motion passed unanimously.

The panel had a robust discussion about dates locations, the structure for meetings and committee assignments. With respect to the dates, the panel approved a special called meeting for Dec. 13, 2021, at KDE and on Jan. 1, 2022, at the same location. Both meetings will be held from 9 a.m.-3 p.m. CT with meals provided on site for a working lunch.

Members of the panel also discussed the model/structure of meetings. McCowan, who serves as a liaison between the panel and KDE, indicated that future meetings in 2022 should be conducted in-person. After debate on the floor, the panel decided that the Dec. 13, 2021, would be structured as a hybrid model. Panel members Brewer, Kemplin, Sheppard-Jones discussed that removing the virtual option may impede participation/attendance for many reasons.

David Wickersham, attorney within the Office of Special Education and Early Learning, was recognized and shared that the state of open meetings requirements remains in flux. He offered to present the panel with updated information about current open meeting requirements and how other groups are addressing those decisions.

Agenda Item as Amended: Committee structure

Lovell shared a draft version of committee assignments and proposed that each committee elect a chairperson to conduct work in between panel meetings.

The structure of the committees was based upon individual preferences, and designed to ensure the committees could meet outside of the full panel. He explained that the size of the committees is designed to avoid a quorum and run afoul of any open meetings requirements.

Lovell then read the draft committee assignments aloud and a motion to approve the assignments was made by Jeffrey Coles and seconded by David Bradley. The motion passed unanimously

A motion to adjourn was made by David Bradley and seconded by Maria Kemplin; the motion passed unanimously.

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