



DIRECTOR OF SPECIAL EDUCATION ADVISORY GROUP

Kentucky Department of Education

Meeting to be held virtually via Microsoft Teams (See invite for link)

August 19, 2020

1 p.m.-3p.m. ET

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 nine 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 Office of Special Education and Early Learning (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
- Traci Sharpe was elected to serve as the secretary

II. Review and Approval of Minutes from Last Meeting

- Kim Chevalier Approved minutes from last meeting

III. Welcome

Kevin C. Brown, interim commissioner

Kentucky Department of Education (KDE)

Gretta Hylton, associate commissioner, KDE Office of Special Education and Early Learning

- Brown and Hylton thanked the group for their participation in the DoSE Advisory Group. They expressed that the feedback they get is very much appreciated and helps guide important work.
- Hylton introduced Dr. Thomas Williams and Jane Paynter. Williams recently moved to Kentucky from San Francisco and is a new policy advisor for KDE.

Paynter has been hired as the new DoSE for the Kentucky School for the Blind (KSB) and Kentucky School for the Deaf (KSD).

IV. KDE Communications Update

Toni Konz Tatman, KDE interim director of communications

Tatman shared communication from the Superintendents' Webcast that was held on Aug. 18, 2020. A link to that meeting video is [here](#). Tatman stated that they follow a similar pattern each week and expressed that all are invited to join. No questions were asked.

V. OSEEL Guidance and Support

Amanda Waldroup, assistant director, OSEEL Division of IDEA Implementation and Preschool

Guiding Questions: Based on the identified challenges, what are the most urgent topics that we need to address (and in what order)? What are the target audiences and timing of delivery of this support?

- A focus group met to discuss special education needs at this time
 - KDE feedback and organized in themes
 - That information was then shared with co-ops for feedback
 - KDE reviewed guidance that has been shared via documents, webcasts etc. to determine which topics had not yet been covered
 - The topics remaining as fall web-series items were: (the new web series is expected to begin in September)
 - Addressing the IDEA during COVID-19
 - Co-teaching during virtual and in-person instruction
 - Virtual and in-person instructional strategies for students with disabilities (academic and behavior)
 - Engagement strategies for students with disabilities in a virtual learning environment
 - Implementing and managing individualized education programs (IEPs) during virtual instruction
 - *Input from the group:*
 - Teachers are concerned that they aren't fully implementing the IEP exactly as before—what does it look like?
 - Progress monitoring in the virtual environment
 - Webinar paired with teletherapy guidance
 - The American Speech-Language-Hearing Association (ASHA) has offered to participate with KDE on a webinar
- Sylvia Starkey discussed teletherapy
 - DoSE Listserv revealed that a topic of need is whether or not small groups are allowed via telehealth services
 - Starkey contacted ASHA to clarify their expectations around teletherapy
 - New guidance will refer to it as telehealth consultations
 - There will be reference to a requirement to provide FAPE
 - OSEEL and ASHA are both encouraging telehealth in order to allow services to continue

- Tim Boyd, Kentucky compliance officer, stated that ASHA’s guidance around tele-practice was written prior to COVID-19. If practitioners are concerned with licensure, they are urged to contact him.
- Medicaid can be billed for telehealth services
- It is allowable to do group telehealth consultations
 - Due to FERPA don’t discuss student educational records or things contained therein
 - Consideration should also be given to recording those group sessions
- There is a document linked in the guidance documents, [“Student Privacy in Special Education, an Educator’s Guide During and After COVID 19”](#) that has been set up by the National Center for Learning Disabilities and another group.
- Information from ASHA about telehealth is also linked
- Question to the group: Is there anything else that needs to be put into the teletherapy guidance document?
 - Written consent not being required for teletherapy services?

VI. Considerations for Reopening Schools and Contingency Planning

Sylvia Starkey, director, OSEEL Division of IDEA Monitoring and Results

Guiding Questions: What challenges have school districts experienced with contingency planning? What additional guidance is needed to assist school districts with contingency planning? What is the preferred method of delivery for this type of support?

- Starkey asked the above questions and requested guidance from group
 - One district has decided to go with less is more by having the conversation and documenting it in the conference summary. Some are afraid they will put too much in the plan.
 - Conversation was had around the fact that this does not replace the provision of FAPE, it does not replace the IEP.
 - Another district is not pushing for contingency plans. Instead staff are encouraged to do everything they can do to meet the IEP every day.
 - Concern was expressed that if one limits services in a contingency plan does it raise the question of the services they actually needed to begin with.
 - Another district shared that their emphasis has been on the what and the how of providing services rather than the time.
- Hylton shared that the idea of contingency planning came from the Office of Special Education Programs (OSEP) after others have experienced crises.
 - Contingency plans are not required by law.
 - When pandemic hit, OSEP encouraged states to discuss contingency planning
 - Good faith effort, ensure what services were being delivered, how services were being delivered and that parents knew what the expectations were
 - Much of that came from a variety of factors across the nation in regards to how education was or was not delivered during the pandemic. Some states closed schools and offered no services.
 - Reminder that school should not start on a contingency plan, the IEP has to be in play.
 - We do not want to say that IEPs will be written based on the setting in which services can be delivered. IEPs are written based on the needs of the kid.
 - Some services may be offered less frequently, but more intensely during virtual learning.

- These things can be captured in the conference summary
- She stressed that it is important to communicate because some things are impossible to deliver due to the threat to public health
- The remedy for denial of FAPE is compensatory education so it is important to communicate up front if there are services that cannot be delivered in the existing educational delivery model then compensatory education should be planned.
- OSEP encourages choice of school service models. Where it gets tricky is when a child needs a service that is offered at in-person school when the buildings are open, yet the parent declines the service. ARC must discuss and document that the parent is declining the service and therefore declining the FAPE that is being offered.
- The self-paced learning model with no direction instruction, is still remote learning; however, there is no offer of FAPE through that model.
 - Question has to be asked of family who chooses this model, are you accepting the offer of FAPE or are you revoking consent?
- Starkey: what additional guidance is needed?
 - Guiding questions to address during the conference summary.

VII. Member Discussion, Question and Answer

Kim Chevalier

Guiding Questions: What concerns do you have with the re-opening of schools? What types of guidance and supports would you like to see?

- The group requested it be in a variety of formats...written and auditory.
- Karen Davidson, KDE, shared the “Participation Tracking in Infinite Campus” that was shared in the 8/18/2020 Superintendent Webcast linked above.
- Contingency plan was brought up ... member emphasized focusing on providing services. Starkey shared last March they were a need because it was urgent. Contingency plans are for when there is a sudden shift in education. We can’t start a new year with a contingency plan, rather than focusing on delivering the services in the IEP, because there has now been time to prepare.
 - Point was made that the contingency plan is challenging, because the cause of the shift of providing educational services would likely impact how the contingency plan would be written.

VIII. Adjournment

Kevin Brown

Next Meeting: Nov. 11, 2020