

**SUMMARY MINUTES ARE DRAFT UNTIL
APPROVED AT THE November 19-20, 2022 MEETING**



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

MAY 19, 2022

Holiday Inn Express, Frankfort, KY

ATTENDANCE: Alison Amshoff, Ashley Barlow, Jeni Bolander, David Bradley, Jeffrey Coles, Amy Beth Crump, Tal Curry, Tonika East, Emily Fox, Tammy Gilles, Maria Kemplin, Mary Lavin, Brian Lovell, Michelle Morgan, Noel Chadwick, Tyler Reed, Daniel Slaton

MEMBERS ABSENT: Christa Bell, Traci Brewer, Lacheena Carothers, Tiffanie Clark, Esther Hayslett, Jason Jones, Kent Kelsh, Brittany Kleiner, Cora McNabb, April Miller, Krista Payne, Cassie Jo Robinson, Katherine Shepherd-Jones,

Summary

Agenda Item: Welcome and roll call of members, Call meeting to order at 9: am EST.

Presenter: Brian Lovell, Chair

Summary of Discussion: Brian Lovell, Chair, provided a welcome to open the meeting and he took roll call of members (the meeting attendance is reflected above). Lovell presented the draft agenda for the SAPEC two-day meeting. Tonika East made the motion to approve the agenda, and Maria Kemplin seconded the motion. The motion passed without objection.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Review meeting norms

Presenter: Joe McCowan, OSEEL

Summary of Discussion: Joe McCowan provided review of the norms for meeting.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Approval of Feb. 17, 2022 Meeting Minutes

Presenter: Brian Lovell

Summary of Discussion: Lovell brought up a clarification on the HB 51 letter from the SAPEC members, the bill banning facial coverings in schools. The change sought was to the last sentence in the letter, to reflect that it was banning masks and not dyslexia. The letter from the panel did get drafted and submitted and perhaps played some role in defeating the legislation. Commissioner Glass was thankful. David Bradley made a motion to approve the change to the letter and this was seconded by Tonika East. The motion passed all in favor without any objection.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Public Comment Period

Presenter: Brian Lovell

Summary of Discussion: Chair Lovell noted that there were not written, or in-person public comments submitted. He noted that this was a big point of discussion during the February meeting, and that the consensus was that SAPEC members need to do a big push to get engagement through public comment.

Feedback: Ashley Barlow suggested that maybe the SAPEC panel could have access to the data from KYSPIN (KY Special Parent Involvement Network).

Follow-up Required: Lovell suggested that the Subcommittees should discuss this issue when the panel breaks for meetings.

Agenda Item: Legislative Update

Presenter: Tracy Goff-Herman, KDE

Summary of Discussion: Tracy Goff-Herman updated SAPEC on legislation of interest from the 2022 legislative session. The General Assembly passed the 2-year budget, bills dealing with COVID, redistricting. She gave an update on the May Primary election, and outcomes from that. SB 60 was discussed, KDE legislation dealing with Head Start funding and responsibilities – as federal rules have laid much of the responsibility on Head Start directors, SB 60 shifted some of that load to be shared with preschool coordinators. Goff-Herman discussed the United We Learn initiative from Commissioner Glass and his team, and the outreach they've been working on with forums and engagement with parents and students.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Committee meetings

Presenter: Brian Lovell

Summary of Discussion: SAPEC recessed for the purpose of the Committee meetings. To Reconvene at 1:00 pm

Feedback: n/a

Follow-up Required: n/a

Recess ended at 1:04 pm.; Tonika East chairs SAPEC for the afternoon session.

Agenda Item: Update on Diversity, Equity, Inclusion and Belonging

Presenter: Nicole Fields, Comm. Engagement Coordinator, Office of Teaching and Learning

Summary of Discussion: Nicole Fields gave a presentation on diversity, equity, inclusion and belonging (DEIB), and engaged with SAPEC members on the DEIB initiative at KDE. She shared that they have added “Belonging” to diversity, equity and inclusion. KDE is working to engage with groups that have not typically interacted with in the past, and that we have to be intentional to create belonging. She showed the panel the Equity Dashboard, and that they are training the education co-ops on the dashboard. The dashboard gets live data from Infinite Campus and can drill down to the student level to identify inequities. She shared some of the efforts they have undertaken to address inequities: limiting AP exam costs to \$10, working with school counselors, and working with KET for micro-credentials for coaching.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Update on Local Laboratories (L3s)

Presenter: David Cook, KDE

Summary of Discussion: David Cooks described the L3s, and that it’s a hands on the ground effort that often tag-teams with DEIB. They work in about 40 districts most of the time, and that their work is a ‘boots on the ground’ effort to address what Dr. Fields described in the previous presentation. The United We Learn listening tour with Dr. Glass involved 60 members. At the Kentucky Education Summit in Fall 2021 the L3s were launched. Things that did not work in the past were top-down from KDE and the legislature. Improvement for students starts at the local level. The L3 is a three tier coalition: local education community, application process, and other advocacy groups/community sampling. There have been 3 cohorts since fall 2021. This one was Franklin, Jefferson and Shelby counties. The process for these cohorts is “empathize, define, ideate, prototype, and test. Cohort 1 is on Test, and Cohort 2 is on Empathize. There are 19 districts in this process right now – coming out of the pandemic, some of are just focused on other things.

Feedback: n/a

Follow-up Required: n/a

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Feedback: n/a

Follow-up Required: n/a

Agenda Item: Amend Agenda to have additional committee meeting time on Friday, May 20.

Presenter: Tonika East

Summary of Discussion: Tonika East, suggested that SAPEC committees should meet again on Friday to continue to work, and wait to deliver reports until after that additional meeting time. Ashley Barlow made the motion, and Emily Fox seconded the motion. The motion passed without objection.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: motion to recess until Friday, May 20.

Presenter: Tonika East, chairing SAPEC

Summary of Discussion: Tonika East entertained a motion to recess until Friday, May 20th at 9:00 am for the continuation of the SAPEC meeting. Michelle Morgan made the motion, and Maria Kemplin seconded the motion. The motion passed without objection.

Feedback: n/a

Follow-up Required: n/a

SAPEC recessed at 2:59 pm.

SAPEC reconvene, May 20, 2022 at 9:01 am. *No quorum present, so meeting is for information purposes only.*

Agenda Item: Meeting Norms presented.

Presenter: Joe McCowan

Summary of Discussion: Joe McCowan reminded panel members and staff about the norms to be observed during the meeting.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Future meetings and business

Presenter: Brian Lovell and Tracy Goff-Herman

Summary of Discussion: The panel discussed the value of two-day meetings, the potential to struggle with having a quorum for both days. SAPEC panel members present spoke positively of the two-day meeting structure. Tracy Goff-Herman suggested that with struggles on the second day for maintaining a quorum, that any and all votes needed by the panel should be taken on the first day. She then mentioned that members need to be aware of the terms of their appointment, as many members are approaching their rolling off the panel. Panel members who wish to continue on the panel need to resubmit their paperwork to the Boards and Commissions office. The panel's size is 31, but the by-laws list a quorum as a 'majority of the required members.' The panel is only required to have 21 members, so the quorum calculation is based on 21, not 31.

Feedback:

Follow-up Required: SAPEC members need to maintain their appointments by being aware of their roll-off date, and being prepared to resubmit their paperwork to Boards and Commissions.

Agenda Item: KDE update

Presenter: Tracy Goff-Herman

Summary of Discussion: Tracy Goff-Herman updated the panel on the United We Learn initiative, focusing on competency based learning. State testing is just wrapping up for the school year, and summer training sessions are about to start. There will be lots of extensive training for OSEEL staff. There's been a lot of turnover at OSEEL and KDE overall. The annual statewide meeting for special education directors is going to happen this fall (DOSE) – this meeting hasn't been held since Covid. Tracy also updated the panel on the US Dept. of Education's 'fair warning' that they are going to look at regulations, based on the negative feedback on services to students with disabilities during the pandemic—it is a long process but changes in these regs will trigger each state to have to update their own regulations. KDE provides guidance and support to keep districts out of trouble, but we also have to monitor and help with corrections and the compliance pieces. There is a new director for OSEP.

9:47 am - Additional SAPEC panel members arrived at a Quorum was present. (Amy Crump arrived).

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Committee work roles and responsibilities

Presenter: David Wickersham

- Summary of Discussion: LA school district background.
 - o US DOE got civil rights complaint about violating rights of students with IEPs to battle covid. District went all virtual at first. Individuals with IEPs and 504 plans – they trained staff that they wouldn't have to provide all the services in IEPs. Other times they said you have to do the service but have flexibility on how to deliver. They made a distinction between compensatory services and recoupment (which goes to each student in the district). Settlement is that LA district will have to reconvene IEP and 504 plans for 60+ thousand students with IEPs and 504 plans, all individual meetings. Public forums are required as well. The district must appoint person to oversee the entire process.
 - o The critical thing is that IDEA and 504 rules are about civil rights – things you can't violate to ease administrative burden of the district.
 - o This process will bear watching. Takeaway for KY is it shows how OSEP and OCR are thinking about these services, remediation.
- APRA/Covid relief funds.
 - o KDE – inside OSEEL, relief money. Greta requested that some funds be set aside some to help with remedial efforts. Up and running now: one on early learning side, other on the transition side.
 - Early learning – terrible drop in preschool enrollment. Some rebound but incomplete. Substantial concerns about behavior issues, and lack of socialization of students to be successful in school. Working on family supports, as well as with teachers on behavioral supports to help these kids. Specific interventions with reading and math.
 - Transition side – lot of kids who couldn't participate in early work opportunities as they approached end of secondary schooling. Supports they missed out on. OSEEL has funded scholarships, \$2,500 for kids for who are post-secondary ready who are also students with disabilities. 2 scholarships for every district. Also doing liaisons for districts between Career and Technical Ed and Gen Ed, to improve knowledge inside those programs about kids with disabilities.
- Committee Work.
 - o Dealing with constraints around Open Meetings.
 - o This is an advisory group that is required by federal law. Advocacy is tricky here. Here your role is to advise the state about unmet needs. Ultimately the Dept. makes the decision.
 - o State Board mtgs. What other flexibility you would have for hybrid option or committee work. Committee work can proceed. Giving appropriate notice is the key. No reason not to pursue that – we just need to make sure we run and announce them correctly.
 - o Virtual options we explored. If you choose to have a virtual or hybrid meeting – have to maintain a livestream, and close-captioning as well.
 - o On our side of it, it's more complicated. But don't let that discourage you from participating.

- Tal Curry expressed that by being in-person we are more closed to the public, and not disability-friendly. KDE's guidance is too strict. If I get a committee together on a phone call and there are three members that's an Open Meeting, and all those rules apply.

Summary of Discussion: The following SAPEC committees met and provided the following reports:

Transitions committee report, presented by Tal Curry:

The goal is to explore creating a resource for the IEP process for transition-aged youth. Is there something OVR already has—we want to see resources that are already available, and to work with the existing partners.

Free and Appropriate Public Education Committee report, presented by Dr. Coles:

Dr. Coles wasn't at the previous meeting. But the Committee discussed Seclusion and Restraint, and the Committee wants to further explore the degree to which this is happening and being used on our students, and the degree to which it is mitigated. Still in an exploratory

Parent involvement committee report, presented by Emily Fox:

- KDE did presentation on parent involvement previously. Question was asked about how many parents responding to survey - incredibly low numbers.
- Parent involvement on survey is super important.
- Suggestions:
 - I asked my district—what is the return rate. Was able to get that information very quickly. They had feedback on their effort to raise response rate to 25%.
 - We'd love to see parent survey link; mandate that they send survey, but details of survey are up to the district. My district uses a KDE survey.
 - Our suggestion was that when you send out notice of ARC committee meetings, also send the survey link to the parents at the same time.
 - Current notice of committee meeting is older. Should be a check box that ask "Have you completed the 'parent survey.'"
 - Then at the ARC mtg, when you're going through the rules of the meeting, and then add a link to the survey.
 - Reminder at ARC mtg, but not suggestion that they fill it out there.
 - District text out a link to parents, so they can access the survey.
 - I think it would be very helpful to find out the open rate for the survey email.
- Brian Lovell asked is there a reason the surveys can't be standardized? Tracy Goff-Herman indicated she would explore that question – it was asked yesterday as well.

Communications report, presented by Dr. Bolander:

(Dr. Bolander asked How do we get out the good work we do, and going where people are?. If you want your work to mean anything, you need an audience. We talked about making posters with QR code, talked with Stakeholder Engagement Committee about this as well.

Amy Crump said they thought about different people, different places to place posters, to get more feedback. David Bradley volunteered to design the poster once we have the content.

Joe McCowan discussed the process for posters – anything that this group produces, needs KDE edit and review, to make sure photos are ok, that logos are right. Sometimes it turns out they want to create the poster for us. It's a process, but we can work on it. Our leadership team has to approve, but it can work. We don't have a process in place for getting things like posters printed – typically we print in the office, to be cost effective.

David Bradley said they are thinking more like 20 posters, and see how effective it is. We are sensitive to the cost of this. Maybe we target particular stakeholders.

Amy Crump said the Committee discussed placing them at the Commission on Children with Special Health Care Needs., or the HDI facility in Lexington.

Supervision and legislative report, presented by Danny Slaton:

We discussed the edits and final delivery of the HB 51 letter yesterday. Mr. Reed and Mr. Slaton were the only members available for the committee meeting, and there weren't any new pieces of legislation to review at this time. Joe McCowan indicated that guidance on legislation and regulations from new or revised statutes is on KDE's website.

Stakeholder Engagement committee report, presented by David Bradley:

David Bradley said the big item is that we're not getting public comment, and that remains our biggest need. We discussed idea of a poster with a QR code and getting that out to the places where the people are at or going to be. Worked with the Communications Committee. We need to utilize social media to communicate out to stakeholders. SAPEC Facebook page has nearly 1,000 followers. Would be great to build on that.

Dr. Bolander suggested she could help boost our outreach via the algorithms – share information you think I should share on there.

Mary Lavin suggested that we look to ambassadorship – find ways to share successful stories like Dr. East's daughter's experience with modeling.

Feedback: SAPEC committees met and reports were shared with the full panel.

Follow-up Required:

Agenda Item: Closing comments, final business and adjourn the meeting

Presenter: Brian Lovell

Summary of Discussion: Brian Lovell provided closing comments. He suggested the next meeting be Tuesday Sept. 6th for a full day, and a half day on the 7th, in Lexington to coincide with the DOSE meeting. A motion to approve the next meeting was made by Dr. Jeffrey Coles and seconded by David Bradley, and the motion was adopted without any objections.

Brian Lovell continued, talking about the November meetings, the 19th and 20th, to coincide with the Conference in Louisville. Lovell reminded members that if their membership is going to expire, to please make a point to fill out board and commissions application, before June 30th. He asked that Joe remind members about expiring terms and the need to re-apply to be on the Board. The Exec. Committee should meet around the 17th or 21st of June. The Exec. Committee

can make effort to do an Ad Hoc Committee on Medicaid, Waivers. Tal's work on Transition is something to address too. HDI resources are very strong. As Panel members, before we meet again, we can solicit information and provide information to SAPEC. If anyone has agenda items to add, please email Brian and copy Joe. Anything you want to work on, send it to me to make sure all the members know.

Tracy Goff-Herman asked that if SAPEC wants individuals to come present to the panel during the DOSE or other meetings, how it should be handled? Brian Lovel suggested that a motion be made that if a member of Committee of SAPEC requests an agenda item or presentation for the next meeting, that they email the Chair, copy Joe, and copy the Exec. Committee. David Bradley made the motion to adopt this process, and Dr. Jeffrey Coles seconded the motion. The motion passed without any objections.

Dr. Coles suggested that for the FAPE Committee, that as they attempt to gather information on Restraint and Seclusion, that it would be beneficial to have a presentation on the incidence of R&S, and efforts to mitigate R&S. Dr. Coles made the motion to have this presentation added, and Dr. Tonika East seconded the motion. The motion was adopted without objections.

David Bradley made the motion to adjourn the SAPEC meeting, and it was seconded by Dr. Jeni Bolander. SAPEC adjourned at 12:09 pm on May 20, 2022.