

SUMMARY MINUTES ARE DRAFT UNTIL APPROVED AT July 18, 2024, MEETING



KENTUCKY DEPARTMENT OF EDUCATION
State Advisory Panel for Exceptional Children
SUMMARY

APRIL 18, 2024

ATTENDANCE: David Bradley, Tiffany Clark, Tal Curry, Zachary Stumbo, Michelle Morgan, Emily Fox, Tonika East

MEMBERS ABSENT: Ashley Barlow, Tracy Brewer, Amy Beth Crump, Tammy Gilles, Jason Jones, Brittany Kleiner, April Miller, Chadwick Noel, Tyler Reed, Cathy Jo Robinson, Jeannie Ward, Lacheena Carothers, Jeffrey Coles,

SUMMARY:

Agenda Item: Membership Update

Presenter: Melody Cooper, Policy Advisor, Office of Special Education and Early Learning, Kentucky Department of Education (KDE)

Summary of Discussion:

A reminder the panel currently has 12 vacancies, the governor's office is aware and on top of the fact that there are several vacancies, and according to the director of Government Relations the panel should not expect any new appointments while the current session of the General Assembly is active. The session is ending.

Agenda Item: Review and Approval of Meeting Minutes

Presenter: Tonika East, Chair

Summary of Discussion:

No discussion.

Feedback:

Curry made a motion to approve the minutes, seconded by Clark. January meeting minutes were approved.

Agenda Item: Update

Presenter: Robin Kinney, Interim Commissioner, Kentucky Department of Education

Summary of Discussion:

Kinney, who was asked to serve as the interim commissioner by the Kentucky Board of Education in October 2023 to move the mission forward, provided information on the new commissioner scheduled to join KDE on July 1. The KBE named the new commissioner, and he was confirmed by the State Senate. This is the first time the commissioner of education has been through the Senate confirmation process, resulting from Senate Bill 107 (2023). His name is Robbie Fletcher. He is currently the superintendent in Lawrence County, where he has been for the last 10 years. He is the chair of the local Superintendents Advisory Council. He is a graduate of Morehead State University and has a degree from the University of Kentucky. Fletcher plans to attend the next SAPEC meeting.

Feedback:

None

Follow-up Required:

None

Agenda Item: Legislative Update

Presenter: Melody Cooper, Policy Advisor, Office of Special Education and Early Learning, Kentucky Department of Education

Summary of Discussion:

Discussion was focused on House Bill (HB) 6 and budget items that are of importance to the council, Supporting Education Excellence in Kentucky (SEEK) increase, including transportation, language to encourage districts to provide certified and classified salary increases,

full-day kindergarten, the Star Academy pilot program, increase in School Resource Officers, Language requiring rank order posting of proficient and distinguished scores in reading and math.

In addition, Cooper discussed HB 1 – \$2.5 million for purchasing Automated External Defibrillators (AEDs) for public schools and HB 6, budget for Office of Special Education and Early Learning (OSEEL). HB6 ensures the following:

- Kentucky School for the Blind and Kentucky School for the Deaf Operating funds and capital projects maintained.
- OSEEL Learning and Results Services Programs (LARS):
 - Preschool - \$84.5 million each fiscal year
 - Extended school services – \$23.9 million each fiscal year
 - Gifted and talented - \$10 million each fiscal year
- Cabinet for Health and Family Services (CHFS)
 - \$3.95 million for additional Family Resource Youth Service Centers (FRYSC)
 - (FRYSC) serving multiple schools
- Kentucky Higher Education Assistance Authority (KHEAA)
 - \$2 million each fiscal year for teacher scholarship program
 - \$7.3 million each fiscal year for a student teacher stipend program
- Auditor of Public Accounts
 - \$750,000 for Jefferson County Public Schools (JCPS) audit

Cooper also brought attention to the following bills:

Bills Enacted:

- SB 2 – Student safety and mental health
- SB 11 – Juvenile justice, notice to schools
- SB 265 –Option 7 alternative certification pathway, mentorship language
- HB 2 –Ballot language for constitutional amendment allowing public funds to support non-public school education.
- HB 142 – Products that contain nicotine (vaping)
- HB 377 – Teacher recruitment and retention
- HB 446 – Public school transportation, transportation services policy
- HB 447 – Public school transportation, passenger vehicles
- HB 695 – Adaptive Kindergarten Readiness pilot project
- HB 825 – Kentucky Department of Education (KDE) audit
- HCR 81 – Efficient and effective school district governance task force

Bills taken to the governor:

- SB 167 – Cursive handwriting as a course of study in elementary school
- (beginning in the 2025-2026 school year)
- HB 162 – Numeracy bill
- HB 169 – AEDs in all school buildings and at school-sanctioned athletic practices and competitions
- HB 300 – Education Professional Standards Board (EPSB) timelines for investigating educator misconduct
- HB 354 – Health insurance premium reimbursements for retirees who participated in a hazardous position prior to July 1, 2003
- HB 387 – Substitute teacher certification
- HB 449 – Relates to local boards of education
- HB 499 – Career and technical education (CTE) funding distribution formula
- HB 829 – Medicinal cannabis, requires district policy

Feedback:

Members thanked Cooper for the overview and notes of interest in the current legislative session.

Agenda Item: Public Comment

Presenter: Tonika East, Chair

Summary of Discussion:

A call was made to open public comment.

Feedback:

Joyce Fields - Public Comment

The mother of a 2nd grader with moderate autism and a developmental delay spoke to the challenges she is experiencing as a parent in getting his teachers to follow his Individual Education Plan (IEP) and the IEP provide the support and accommodations needed in his academic journey. She finds herself struggling to find support and people who will advocate for her son.

Follow-up Required:

The panel will consider the public comment feedback when drafting their recommendations and input for future SAPEC projects.

Agenda Item: Committee Meetings

Presenter: Tonika East, Chair/Committee Members

Summary of Discussion:

Each subcommittee group leaders presented updates of action items to the panel, to include:

- **Transition:** an update on the Kentucky Advisory Council on Autism, the vision for the council is for autistics of all ages to be engaged in self-determined lives and be valued citizens in the community. The mission is to promote collaborative efforts and advocate to improve systems of support for individuals with autism. The transition team also featured various autism resources with the goal of helping newly diagnosed parents and children get into services and parents with older children continue to utilize those resources as they build their transitions.
- **Parent Involvement:** continued guidance and suggestions for increase in annual parent survey participation. Once again, offered to collaborate with the Human Development Institute (HDI) to increase participation in the annual survey. The current goal is 25% of the 100,000 families served.

Feedback:

Panelists agreed that more work needs to be done with KDE and the HDI team to increase survey participation.

Agenda Item: Differentiated Monitoring and Support (DMS) 2.0 Update

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

Summary of Discussion: Differentiated Monitoring and Support (DMS) 2.0 Update

KDE OSEEL received a visit from the U.S. Department of Education Office of Special Education Programs. The on-site visit was in November and the Office of Special Education Programs (OSEP) was here for three days and did a very extensive review of files. They contacted parents, local districts, the panel members and other stakeholders across the Commonwealth to get input about the work of Special Education across Kentucky.

The review by OSEP helps KDE to provide additional support and technical assistance and guidance to our districts. Identify areas where we have some improvement opportunities too. An overall report was promised by the U.S. Department of Education 120 days (about four months)

post review, however at day 161, KDE has still not received the report due to additional questions and requested information.

Feedback: None

Follow-up Required: None

Agenda Item: Due Process Hearing Update

Presenter: Carol Ann Morrison Office of Special Education and Early Learning

Division of Individuals with Disabilities Act (IDEA) Monitoring and Results

Summary of Discussion: All three of these today are decisions that were made by the Exceptional Children's Appeals Board (ECAB).

1. Agency Case No. 2122-14 ECAB- The student's mother requested a due process hearing in 2021 and alleged that there had been a failure to provide a free and appropriate public education. The hearing officer found for the district in all the issues, except the hearing officer determined the district failed to provide 10 virtual sessions due to statements by the students and the parents at the hearing that this had been made up and paid for by the district. The appeals board reminded the district did not fail to implement the IEP and there were no procedural violations that amounted to a denial of favor and free appropriate public education, therefore the appeals board affirmed that decision and there was no additional relief due to the student.
2. Agency Case No. 1819-12 ECAB - Previous summary from October. This student was ordered to receive 27 hours of orientation mobility. The ECAB considered findings regarding the transition plan for the student Braille sign, language orientation and mobility services, manifestation determination, credit recovery work, and graduation ceremony. In this case, the ECAB stated that the student bears the burden of proof and must prove each element of the case. ECAB found the student failed to prove that the school did not design and implement an appropriate transition plan. The disciplinary transfer was proper. Notice that the manifestation meeting was given, and the student's misbehavior was not a manifestation of the student's disability. The student completed classes and tests required to qualify for graduation from high school. Past credit recovery tests received necessary accommodations while taking those tests and was properly exited from special education services. The student was not inappropriately denied an opportunity to participate in graduation services and related activities. They agreed with the hearing officer that the officer lacked jurisdiction to rule on the claims that the student made about disparate treatment under section 504 of the Real Rehabilitation Act of 1973

and stated there was no proof of discrimination. The ECAB in this case affirms the decision of the hearing officer and found no relief due to the student.

3. Agency Case No. 2324-07 ECAB- Based on a previous case from October. The student submitted a timely appeal to the ECAB and this didn't appeal all of the rulings by the hearing officer, but only appealed four issues and those issues were whether the district failed to identify the student as a student with a disability, whether the school district failed to expeditiously evaluate the student by taking 118 days or 63 school days, whether the school district violated the federal requirements regarding a manifestation determination, and whether the school district through the school board interfered with the Students Placement Division without being a member of the student's ARC. In this case, the ECAB affirmed the hearing officer's division and stated the school district did not violate the student's rights to a free and appropriate public education.

Feedback: None

Follow-up Required: None

Agenda Item: Guidance Update

Presenter: Veronica Sullivan, Director, Division of IDEA Implementation and Preschool, Office of Special Education and Early Learning

Summary of Discussion:

Sullivan explained that they get a lot of technical assistance calls from complainants that really want more information about each of the processes. The office took that data and created a comparison chart for each of the options for dispute resolution, which is mediation, formal written complaint, and then due process hearing. Quick Guide to Special Education Dispute Resolution Processes for Parents of Children and Youth (Ages 3-21) (ky.gov).

The team has also been collecting questions from the field around specific learning disability, both from families and from our districts, and developed a question-and-answer document. - Questions and Answers Related to Specific Learning Disability (SLD) (ky.gov)

The next meeting is scheduled for July 18.

The meeting was adjourned at 11:14 a.m. ET.