

2024-2025 End of Year Questions and Answers

1. Q: Are Significant Disproportionality and Comprehensive Coordinated Early Intervening Services (CCEIS) still in effect?

Answer: Yes. For more information, please see the [KDE OSEEL Significant Disproportionality and Comprehensive Coordinated Early Intervening Services \(CCEIS\)/Coordinated Early Intervening Services \(CEIS\) webpage](#). Contact Jarrod Slone (jarrod.slone@education.ky.gov) for more information.

2. Q: Please provide more information regarding removals of students with disabilities for disciplinary purposes.

Answer: The [Behavior Resources](#) page of the Kentucky Department of Education (KDE) website includes instructional resources related to topics such as behavior supports and guidance, including information on disciplinary removals, classroom management, evidence-based practice and social-emotional learning. If you have specific questions or concerns, please feel free to contact Rebecca Turner at (502) 564-4970 ext. 4164 for assistance.

3. Q: Is a bus suspension included as part of the 10 days of removal prior to a required manifestation determination review?

Answer: “When transportation is included as a related service within the student’s Individual Education Program (IEP), one day of suspension from riding the school bus counts as one day of suspension for purposes of the IDEA’s disciplinary protections as addressed in 34 C.F.R. 300.530,” [[Guidance For Special Transportation In Kentucky](#)]. That means, if the bus transportation were a part of the student’s IEP, a bus suspension would be treated as a suspension under [34 CFR §300.530](#) unless the district provides the bus service in some other way, because that transportation is necessary for the student to obtain access to the location where services will be delivered.

If the bus transportation is not a part of the student’s IEP, a bus suspension is not a suspension under [34 CFR §300.530](#). In those cases, the student and the student’s parent have the same obligations to get the student to and from school as a nondisabled student who has been suspended from the bus [[Guidance For Special Transportation In Kentucky](#), Section 4B]. “The determination as to whether an in-school suspension or bus suspension counts as a day of suspension under §300.530 depends on the unique circumstances of each case,” [[71 Fed. Reg. 46,715 \(2006\)](#)].

Chapter 4B of the [Guidance For Special Transportation In Kentucky](#) provides information on change of placements due to disciplinary actions and manifestation determinations.

4. Q: Who should be included in the personnel report?

Answer: All special education teachers, related service providers and paraprofessionals who provide direct services to students with disabilities should be included in the Personnel report. This includes contract employees as well as those who are paid out of funds other than Individuals with Disabilities Education Act (IDEA). Anyone who does not fit one of the reporting categories listed above should not be included in the report (i.e., Director of Special Education (DoSE), Secretary, Assistant DoSE). Please see [Guidance for Reporting of Personnel Data](#).

5. Q: How was the 1% cap for alternate assessment created?

Answer: In 2015, with the reauthorization of ESEA as the Every Student Succeeds Act (ESSA), the requirement changed for the alternate assessment based on alternate academic achievement standards (AA-AAAS). ESSA reaffirmed that the alternate assessment is an appropriate assessment for students with the most significant cognitive disabilities to demonstrate their knowledge and skills, but rather than placing a cap on accountability proficiency rates for the alternate assessment, ESSA places a 1.0% cap on participation in the assessment. The establishment of this cap is consistent with research showing that some students assigned to the alternate assessment more appropriately should have been assessed with the general assessment in which all other students participated. The United States Education Department (USED) has not announced any plans to revisit the 1.0% cap on AA-AAAS participation.

6. Q: Is it possible to get the alternate assessment data by school and grade level?

Answer: The district will need to work with the District Assessment Coordinator (DAC) to obtain data by grade level or school level.

7. Q: Indicator 11: For students in Department of Juvenile Justice (DJJ) facilities who have an initial evaluation outstanding, is the 60-school day timeline based on the district's school calendar or the facility's calendar if they have an extended school year?

Answer: An Admissions and Release Committee (ARC) must determine eligibility within 60 school days of receiving parental consent to evaluate a student [707 KAR 1:320, Section 2 (3)]. If a student transfers from a district to a correctional facility in the same school year after an evaluation has begun, the responsibility for FAPE transfers as well [Dear Colleague Letter (December 5, 2014)]<https://www.ed.gov/sites/ed/files/policy/gen/guid/correctional-education/idea-letter.pdf>. The DJJ facility will need to coordinate with the previous and current schools to ensure prompt completion of the evaluation [707 KAR 1:300, Section 4 (13)], however, *the school-day timeline does not apply* (emphasis added) when the student "... moves to a new Local Education Agency (LEA) after consent for the initial evaluation is given but before the evaluation can be completed, as long as the new LEA is making sufficient progress to complete the evaluation and the parent and the LEA agree to a specific time when the evaluation shall be completed ...," [707 KAR 1:320, Section 2 (5)]. If the DJJ facility received parental consent to evaluate (the student did not transfer), then the facility would need to complete the evaluation within 60 school days of receiving parental consent to evaluate. The Kentucky regulations do not specify which calendar to use; however, the Dear Colleague Letter emphasizes coordination between LEAs and correctional facilities to ensure timely evaluations.

8. Q: Which calendar is used to determine the 60 school days for eligibility determination for preschool students? Is it the preschool calendar or the district calendar? If preschool begins after the rest of the district, should those days be included in the 60 days as well?

Answer: Indicator 11 uses the number of district school days to count the number of school days between Consent for Evaluation and Eligibility Determination. 704 KAR 3:410 Section 6(d)(3) The hours of operation of the half-day program may vary but shall provide a minimum of two and one-half (2 1/2) hours of classroom time per day, which shall not include the time required to provide breakfast or lunch. The program shall provide **direct services for children or parents** for the minimum number of teaching days set by the local school district for the school year.

9. Q: Does the DoSE complete the Indicator 12 survey in conjunction with the Preschool Coordinator?

Answer: The district decides who completes the Indicator 12 survey, but it is best for the DoSE and the Preschool Coordinator to collaborate.

10. Q: Should previous grades be included in the course of study in the IEP or only the current grade and future grades be included?

Answer: Previous grades are not required to be included in the course of study. The [Guidance for Individual Education Program \(IEP\) Development](#) clarifies that [707 KAR 1:320, Section 7 \(1\) and \(2\)\(b\)](#) means a multi-year course of study aligned with the student's Individual Learning Plan (ILP) must indicate the courses to be taken from the current school year through the student's expected year of exiting high school.

11. Q: How do we know what day to run the Indicator 13 report?

Answer: You can run the Indicator 13 report anytime near the end of the school year as long as the data are submitted by June 30.

12. Q: Guidance and Resources: Will the red school-house document be updated? Last update was 2014. Love that Infinite Campus (IC) has specially designed instruction (SDI) and supplementary aids and services (SAS) embedded in the IEP editors.

Answer: At this time, the OSEEL does not have plans to update the IEP Development Guidance Handbook. However, we value your question and will take it into consideration for future planning and discussions.

13. Q: Please provide more information about the Preschool Calculator.

Answer: The Preschool Calculator refers to a new tab in the Excel Workbook OSEEL uses to determine if a district has met compliance with the IDEA's Maintenance of Effort (MOE). This specific tab reviews the amount of the Preschool State Grant the district spent or budgeted along with data specific to the numbers of preschool children enrolled with and without disabilities. The Calculator uses this information to calculate the amount of the Preschool State Grant the district used to provide special education to preschool children with disabilities.