



SPECIAL EDUCATION ADVISORY COUNCIL MINUTES



Details

Date September 15, 2022
Time 9:00 a.m. – 3:00 p.m.
Location: Virtual

Call to Order: at 9:00 a.m.

Roll Call

Members (x present, blank absent):

X	Jennifer King	X	Lena Kisner		Whitney George
X	Heath Peine	X	Marvin Miller		Mike Burgess
			Matthew Ramsey		Laura Leistra- KDHE
	Barney Pontious Parent/Child to 26		Michelle Warner – Foster Care		
			Paul Buck		
X	Brandon Gay	X	Rebecca Shultz @9:50a		
X	Jennifer Kucinski	X	Sabrina Rishel @10:30a		
X	Jennifer Kurth @11:30a	X	Tobias Wood	X	Allison-Interpreter
		X	Trisha Backman	X	Tanya-Interpreter
X	Laura Thompson	X	Dr. Troy Pitsch		

Ex-Officio Members (x present, blank absent):

	Jim McNiece	X	Ashley Enz		
X	Leslie Girard-Families Together				
X	Mike Burgess				
	Rocky Nichols				

KSDE Staff:

X	Bert Moore	x	Kristy Cotton		Kerry Haag
	Shane Carter	X	Kayla Love		Dean Zajic
X	Shanna Bigler	X	Brian Dempsey		Josie McClendon
	Cary Rogers		Julie Rands		
	Laurie Curtis		Alysha Nichols		

Guests:

Quorum (11) met: Yes, 12 Voting members present

Agenda Approval: **September 15, 2022 Agenda**

Motion to approve: Marvin Miller

Second: Tobias Wood

Action: Approved

Minutes Approval: **April 14, 2022 Minutes**

Motion to approve: Marvin Miller

Second: Jennifer King

Discussion:

Action: Approved

Minutes Approval: **July 26, 2022 Minutes**

Motion to approve: Tobias Wood

Second: Marvin Miller

Discussion:

Action: Approved

Public Comment:

No written comments were submitted for today's meeting. No in person comments were

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presented.

SETS New staff introductions

Bert Moore

- Crista Grimwood
- Ashley Niedzwiecki
- Sarah Reed
- Sami Reed
- Janis Tolly
- Heather Gould

SPP/APR

Brian Dempsey

- Currently in the beginning stages of gather data for the January 2023 submission of FFY21. FFY20 was submitted in January of this year, OSEP has provided feedback and did their final review and determination this summer. FFY20 is the first year of a six-year package, FFY19 was the last year of the prior package.
- SPP/APR Indications – Baselines, targets, and indicators were discussed last fall through the summer. The sub-indicators have expanded for several indicators with the new package.
 - Indicator 1: Graduation
 - Indicator 2: Drop Out
 - Indicator 3A: Participation for Students with IEPs
 - Indicator 3B: Proficiency for Students with IEPs (Grade Level Academic Achievement Standards)
 - Indicator 3C: Proficiency for Students with IEPs (Alternate Academic Achievement Standards)
 - Indicator 3D: Gap in Proficiency Rates (Grade Level Academic Achievement Standards)
 - Indicator 4A: Suspension/Expulsion
 - Indicator 4B: Suspension/Expulsion by Race/Ethnicity
 - Indicator 5: Education Environment (5-year-old kindergarteners-21)
 - Indicator 6: Preschool Environments
 - Indicator 7: Preschool Outcomes
 - Indicator 8: Parent Involvement
 - Indicator 9: Disproportionate Representation
 - Indicator 10: Disproportionate Representation in Specific Disability Categories
 - Indicator 11: Child Find
 - Indicator 12: Early Childhood Transition
 - Indicator 13: Secondary Transition
 - Indicator 14: Post-School Outcomes
 - Indicator 15: Resolution Sessions
 - Indicator 16: Mediation

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- Indicator 17: State Systemic Improvement Plan
- Kansas Performance on FFY2020 – No slippage so far in Indicators 2, 5, 6, 7, 8, 11, 12, 13, 15, 16, 17. Slippage in indicator 14. Indicators 2, 5, 6, 8, 15, and 16 met target. Indicators 7, 11, 12, 13, 14, and 17 did not meet target. Indicators 1, 3A, 3B, 3C, 3D, 4A, 4B, 9, and 10 have been reset and are baseline targets since this is a new package.
 - Graduation (Indicator 1) - Was reset as a baseline year because the methodology and data source changed.
 - Drop Out (Indicator 2) – There are two options. FFY2020 was done with option two which is what has been done historically but OSEP has required that for FFY2021 every state must use option one. This means the baseline will be changed this year as stakeholder input is gathered within the next month for the target setting. Historically, about 2.5 to 2.9% of students with IEPs drop out. The numerator was students with IEPs who drop out and the denominator was all Students with IEPs. Option One is a change in methodology which shrinks the denominator. The numerator is all students with IEPs and the denominator is all students with IEPs who exited from ages 14 to 21. The dropout rate is consistent but with the new method of computing drop out, the ratio will reflect a larger number. Dropout is a lag year so the closure of schools in Spring 2020 was included. KSDE met the target in FFY2020 for the first time despite never having any slippage. After looking at the standard deviation, this was decided as an anomaly and that FFY2021 would be a baseline year.
 - Preschool Environments (Indicator 6) – KSDE had not met this target in the past, but the Early Childhood 619 Coordinator has done a lot of work which resulted in meeting the target. Thank you to Julie Rand and the EC team for their work to improve their work to increase the inclusion of early childhood students with disabilities in general preschool programs.
 - Parent Involvement (Indicator 8) – Kansas met this target. Indicator 8 is a survey question for parents to share if they are included in a meaningful way in the IEP process.
 - Child Find (Indicator 11) – Kansas did not meet this target. Indicator 11 is a compliance indicator so the target is 100%.
 - Resolution Sessions and Mediation (Indicators 15 and 16) – Kansas is not as litigious as other states. Kansas does not have the minimum number of resolution or mediation sessions, so analysis of slippage does not occur. Formal complaints were a little higher this year. Kansas tends to resolve things in the districts and the team does a good job of engaging the parents/family and working with them through the complaints.
 - Slippage- The indicators are measured by increments of 1%. Slippage is anything over 1% from the prior year to the current year, slip more than 1% and that is slippage. If it's smaller than 1%, slippage is not identified.
- Indicators that Kansas did not Meet the Target - Indicators 7, 11, 12, 13, 14, and 17.
 - Indicator 7 – Preschool Outcomes
 - Kansas uses the Childhood Outcomes Summary Form.
 - Percent of children ages 3-5 with IEPs who demonstrate improved:
 - 7A: positive social-emotional skills (including social relationships).

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- 7B: acquisition and use of knowledge and skills (including early language/communication and early literacy) and
 - 7C: use of appropriate behaviors to meet their needs.
 - 7A1 – FFY2020 Kansas Target – 89.63% FFY2020 Kansas Data – 88.85%
 - 7B2 – FFY2020 Kansas Target – 62.25% FFY2020 Kansas Data – 61.00%
 - 7C1 – FFY2020 Kansas Target – 90.12% FFY2020 Kansas Data – 89.58%
 - 7C2 – FFY2020 Kansas Target – 75.76% FFY2020 Kansas Data – 75.23%
 - The Kansas Target focuses on those children who entered or exited the program below age expectations, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program.
 - The Kansas Data focuses on the percent of preschool children who were functioning within age expectations in a given outcome by the time they turned six years of age or exited the program.
 - KSDE is in the process of examining a number of factors that may have contributed to the decrease in performance on these targets including school building closures and changes in instructional delivery models due to COVID-19 interruptions, staff turnover at the local level, and increased requests for technical assistance with data entry.
- Indicator 11 – Child Find
 - FFY2020 Kansas Target – 100% FFY2020 Kansas Data – 99.11%
 - Percent of children who were evaluated within the state-established time frame (60 school days) of receiving parental consent for initial evaluation.
 - Kansas reports using data collected in the Kansas Integrated Accountability System web application.
 - Indicator 11 is a compliance indicator, and the required target is 100%. Kansas missed 100% compliance in FFY2020 by 24 students.
 - FY2019 was 99.5% and missed compliance by 12 students. This data is within the 1% allowance, so Kansas met the target.
 - Indicator 12 – Early Childhood Transition
 - FFY2020 Kansas Target – 100% FFY2020 Kansas Data – 99.85%
 - Percent of children served in Part C prior to age three, who are found eligible for Part B, and for whom Part B develops and implements an IEP by their third birthday.
 - Kansas reports using data collected in the Kansas Integrated Accountability System web application.
 - Indicator 12 is a compliance indicator, and the required target is 100%. Kansas missed 100% compliance in FFY2020 by three students.
 - In FFY2019, compliance was missed by six students. This data is within the 1% allowance, so Kansas met the target.
 - Indicator 13 – Secondary Transition
 - FFY2020 Kansas Target – 100% FFY2020 Kansas Data – 99.08%
 - Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment, transition

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services, including course of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

- Kansas reports using data collected in the Kansas Integrated Accountability system web application.
- Indicator 13 is a compliance indicator, and the required target is 100%. Kansas missed 100% compliance in FFY2020 by four items of noncompliance.
- In FFY2019, compliance was missed by three items. This data is within the 1% allowance, so Kansas met the target.
- Indicator 14- Post-School Outcomes
 - Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:
 - 14A: Enrolled in higher education within one year of leaving high school.
 - 14B: Enrolled in higher education or competitively employed within one year of leaving high school.
 - 14C: Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.
 - 14A – FFY2020 Kansas Target – 35.54% FFY2020 Kansas Data – 27.46%
 - 14B – FFY2020 Kansas Target – 60.07% FFY2020 Kansas Data – 59.19%
 - 14C – FFY2020 Kansas Target – 74.72% FFY2020 Kansas Data – 69.77%
 - Kansas obtains this data by surveying youth one year after leaving high school.
 - An examination of state-level data for this indicator suggests the slippage may be attributed to the COVID-19 interruptions, which has affected access to other postsecondary settings, possibly making it less likely students are participating. It also affected employment. Nearly 9% of exiters reported being laid off from a job as a result of COVID-19 and 195 reported a reduction in work hours. Many also reported waiting a year and then going back for safety reasons due to COVID-19.
- State Level of Determination – OSEP has a scoring rubric that grades on how the state has complied in a timely and accurate basis and reporting all the data and completing everything. They also look at NAEP scores.
 - Kansas earned “Meet Requirements” which is the highest level of determination. Kansas has received this determination for over 10 consecutive years.
 - Areas of growth for Kansas are in the area of children with disabilities who dropped out and scoring at basic or below grade level on the National

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Assessment of Educational Progress (NAEP).

- Received a 100% on the scoring rubric and the NAEP was in the 60s. It is not uncommon for NAEP to have a lower score. It has been recommended to continue working on the scoring rubric as NAEP is outside of what Kansas school districts have control.

DMS 2.0

Brian Dempsey

- In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) system under Parts B and C of the Individuals with Disabilities Act (IDEA). Under RDA, OSEP made a shift from monitoring based solely on compliance with IDEA requirements to monitoring and support focused on both compliance and improving results for infants, toddlers, [ADD: and] children with disabilities.
- Eight Components of General Supervision Monitoring
 - Fiscal Management – A system designed to ensure that IDEA funds are distributed and expended in accordance with Federal fiscal requirements. A State’s fiscal management system will include documentation of required budgetary information, policies, and procedures reflecting IDEA, EDGAR, and Uniform Guidance requirements and evidence of implementation of those procedures all of which assist States in using Federal funds for improving performance and outcomes for infants, toddlers, and children with disabilities.
 - An effective fiscal management system will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.
 - Integrated Monitoring – A multifaceted process or system which is designed to examine and evaluate States with a particular emphasis on educational results, functional outcomes, and compliance with IDEA procedural and programmatic requirements.
 - An effective integrated monitoring system will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.
 - Sustaining Compliance and Improvement – A system for recognizing an improving compliance and performance including use of improvement activities, incentives, and sanctions.
 - A system designed to sustain compliance and improvement will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.
 - Dispute Resolution – A system designed as part of a State’s general supervisory responsibility to ensure implementation of IDEA’s dispute resolution procedures consistent with IDEA Requirements.
 - An effective dispute resolution system will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.
 - Technical Assistance and Professional Development - A system of technical

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- assistance and professional development that uses data-informed root cause analysis areas to address State priorities and areas in need of improvement.
- An effective system for targeted technical assistance and professional development will contribute to the improved outcomes of infants, toddlers, children and youth with disabilities and their families.
 - Data- A data system designed to ensure that the data collected and reported are valid and reliable and that information is reported to the Department and the public in a timely manner. The data system will inform and focus a state's improvement activities as well as verifying that the data collected and reported reflected actual practice and performance.
 - An effective system to collect and report timely and accurate data will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.
 - SPP/APR - A multifaceted plan that evaluates the State's efforts to implement the requirements and purpose of the IDEA and describes how the state will improve its implementation;
 - An SPP/APR that demonstrates progress on compliance and results indicators will contribute to improve outcomes for infants, toddlers, children, and youth with disabilities and their families.
 - Implementation of Policies and Procedures - Policies and procedures outline the goals, objectives, processes, and statutory requirements of a Part B and Part C program, that are implemented with fidelity.
 - Effective implementation of policies and procedures will contribute to improved outcomes of infants, toddlers, children, and youth with disabilities and their families.
 - Phased Monitoring
 - Phase 1 – Document Request and Protocol Interviews – The OSEP monitoring team will begin working with the State to prepare for the Phase 2 visit. Phase 1 will occur 5 months prior to the Phase 2 onsite/virtual visit. The OSEP monitoring team will review all publicly available information prior to working with the State.
 - A. 5 months prior to the phase 2 visit OSEP will send a document request for relevant information they have not found in their initial research. Please refer to the suggested documents listed below for an initial list of information they are seeking.
 - B. 4 months prior to the Phase 2 visit OSEP will conduct target interviews with State staff on the component-specific protocols.
 - Phase 2 – On-site/Virtual Visit through issuing of the Monitoring Report- Based on information collected during the Phase 1 work, OSEP will develop an agenda for the on-site/virtual visit focusing on the issues that require further exploration, deeper looks, or additional information.
 - Phase 3 – Close-out and Follow-up – In the year following the on-site visit, the OSEP State Lead will work with the State to ensure correction of any remaining outstanding findings, provide technical assistance, and support, and discuss progress in improving identified result areas.

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- Not sure if this will occur yet. The intent is to notify Bert in October via formal letter for notification of monitoring. If this does occur, Phase One will happen between the end of the year and January. Phase Two will happen between March and May.

Low Incidence License

Shane Carter

- License Available for a Deficiency
 - Non-renewable License (TN) – License for those who are deficient in their PLT or Content test and allows them to practice while working to get these tests passed. After passing, one can apply to upgrade the license. Available for those who have completed both in-state and out-of-state programs moving into the state of Kansas.
 - Transitional License (TRANS)
 - Available for individuals who are out of state applicants and [DELETE: is][ADD: are] deficient in recency (eight college credit hours or one year of accredited experience completed in the last six years). Allows individuals to gain the one year of experience. Cannot be deficient in both testing and recency.
 - Available for individuals who have a previous Kansas license that has been expired for six months (except for KPERS retired educators for the 2022-2023 school year). Allows individuals to work on meeting the renewal requirement.
 - Provisional License (PROVT and PROVS) - For both teaching and school specialist licenses. Candidates need to have completed 50% of a program. It is a two-year license and can be renewed once so an individual can use this type of license for four years. SPED endorsements need to have the completion of a methods course, characteristics course, and practicum.
 - Interim Alternative – For individuals who come from out of state and require review from the Licensure Review Committee to add early childhood, special education, or mild-moderate disability special education to their license. Cannot be offered by testing in Kansas currently. These individuals are still able to teach, focuses on what is listed on their license.
 - Waivers – Waivers must be submitted through Form 16. Waivers can be used for up to three years, but educators should move to the provisional license as soon as possible.
- Non-Traditional
 - Restricted Teaching License – Leads to a secondary content endorsement. A degree in secondary Content Background (to include PE, Music, and World Language) and passing the content exam is required.

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- Limited Apprentice License (LAL) – Endorsements are available for High Incidence Special Education only. Requirements include a year of experience as a special education para, bachelor’s degree, and enrollment of an approved program. If an individual has served for a year as a substitute teacher in a SPED role, the para experience requirement can be exempt with Board approval.
- Limited Elementary Apprentice Program (LEAP) – This program is offered by Kansas State University only. Endorsement in Elementary K-6. Requires a bachelor’s degree.
- Limited Teacher Apprentice Program (LTAP) - Program offered by Wichita State University only. Endorsements in Elementary K-6 and/or Early Childhood Unified B-Gr3. Has two different tracks: one for those who hold a bachelor’s degree and one for those who do not have a bachelor’s degree. There has been discussion on ending the no bachelor’s degree track.
- CTE Specialized
 - Full-time must have five years of full-time work experience and industry recognized certificate (can be a trade competency exam).
 - Half-time must have a degree in the field, trade competency exam and either two years experience, industry recognized certificate, or occupational license.
- Endorsement Types
 - Early Childhood Unified
 - Issued at Birth to Kindergarten or Birth to Grade 3.
 - An educator can teach general education at endorsement grade levels, provide high incidence support services at endorsement grade levels, and provide low incidence support at endorsement grade levels.
 - Testing
 - Birth to K endorsement waivers and provisional licenses are available with the Interdisciplinary Early Childhood Education Praxis test code (5023).
 - Birth to Grade 3 has the Education of Young Children Praxis test code (5024). The Special Education: Preschool/Early Childhood test changed on September 1st, 2022. 5691 is the old test and 5692 is the regenerated test. ETS made a mistake and stated that 5691 would be available through August 1st, 2023, but since the communication has already been pushed out, they are honoring it.
 - WSU Tap allows individuals to teach in Early Childhood Unified Birth to Grade 3 position and/or Elementary Education K-6

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position. Depending on education history, an individual can qualify for a TAP license while completing the program.

- Elementary Education Unified
 - Issued at K-6 Grade Level. Will change to PreK-Grade 6 upon regulation approval.
 - An educator can teach general education at the PreK (three and four-year-olds) to Grade 6, provide high incidence support services at the K-Grade 6 level, and provide low incidence support services at the K-Grade 6 level.
 - Testing includes Elementary Education Content Knowledge for Teaching Praxis Test Code (7811) and Special Education: Core Knowledge and Applications Praxis test code (5354).
- Secondary Education Unified
 - 6-12. No programs are currently offered in Kansas, but the endorsement does exist.
- Recruitment Retention Meetings
 - Has happened over the summer apprenticeship. Includes apprenticeship, leadership, classroom redesign, communication plan, and testing.
- Apprenticeship
 - Kansas is starting a true federally registered apprenticeship program.
 - Federal requirements of a registered apprenticeship:
 - Structured-on-the-job learning (2,000 hours annually)
 - Job related education (bachelor's or master's program)
 - Wage progression
 - Mentorship
 - Valued credential
 - Administrative requirements:
 - An application must be submitted
 - Roles must be designated
 - Sponsor (District; the wage provider on a W-2)
 - Intermediary (KSDE; manages the program)
 - Additional sponsor (EPP)
 - Wage progression
 - Mentorship
 - Valued credential
 - Funding
 - Decision/Discussion Points
 - Special education is in a high-need area for vacancies so the apprenticeship will have a special education component.

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- Program types: traditional, non-traditional, endorsement areas.
- Designation of roles: KSDE, district, university, community college, service centers, High School CTE Youth Apprenticeships (Ed Rising).
- Identifying pilot universities and districts.
- Funding source to start program.
- On-going Work to start the program includes
 - Meet with KBOR.
 - Meet with KAPCOTE.
 - Establish final working group.
 - If interested, contact Shane Carter to be added to the list.
 - Seek KSBE approval.
 - Identify pilot district/university.
 - Develop policies and procedures to apply for the program.
 - Submit for grants for sustainability.
- Announcements
 - Vacancy Reports are due September 26th.
 - Mentors are due September 26th.
 - KLAS applications.

ESI Regulations

Scott Gordon

- Brief History
 - April 2013 – Kansas State Board of Education adopted Article 42. Regulated the use of emergency safety interventions. Became mode language for the Freedom from Unsafe Seclusion and Restraint Act (2013, 2014). Parts have been amended in 2016 and 2017.
 - June 2016 – K.A.R 91-42-3 created a local dispute resolution process. Includes the procedure for parents to file complaint with local school board. Requires school boards to have a complaint investigation procedure. Requires the local school board to provide a final, written decision and provide that to the parents and KSDE. Requires publication of their local dispute resolution process somewhere on a school district website.
 - Parental Notification - Requires parental notification which includes that the school board “shall notify the parent on the same day” and must make two separate attempts. School boards “shall provide written documentation. . . no later than the school day following. . .” the alleged use of seclusion and/or restraint. Email is an acceptable format. The requirements of the notification “shall include. . . date, time, type, length of time, names of those involved” as well as causes for why the

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emergency safety intervention was used and the efforts to de-escalate prior to that usage.

- There is an exception if law enforcement or SRO has used seclusion or restraint on school grounds or during a school event, school must notify parent on the same day the school becomes aware. However, it is not required to provide written documentation though it is recommended.
- Administrative Review – There is a State Board-appointed hearing officer who reviews the local decision. It is an independent investigation which includes interviewing the school and district staff (especially those involved), reviewing district policies (which makes sure there are in compliance with the regulations), interviewing parents, and conducting an on-site investigation (such as viewing the area where the alleged inappropriate seclusion occurred for context).
- Notable Cases
 - The Headlock
 - Case #1: A 16-year-old was placed in a headlock by a paraprofessional and the parent was not notified by the school district was provided written documentation. The parent filed two formal complaints (12 and 28 days later) then requested an administrative review (58 days later). The district responded 5 days after the request saying that it was a personnel matter and did not follow up with any other information about how it was being handled.
 - Upon review, it was decided that the district handled it incorrectly since proper documentation was never provided, response was not timely, and no proof that the concern was taken seriously when the results of the investigation were not shared with the parent.
 - Escort v. Restraint
 - Physical restraint - Defined as bodily force used to substantially limit a student's movement except for consensual, solicited, or unintended contact and contact to provide comfort, assistance, or instruction.
 - Physical escort – Defined as temporarily touching or holding the hand, wrist, arm, shoulder, or back of a student for the purpose of inducing the student to walk to a safe location.
 - If a physical escort also meets the definition of a physical restraint, then it shall be treated as a restraint. If a child has the physical ability to step away from the individual, they are not restrained.

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- K.A.R 91-42-2(h) – States that the following shall not be deemed an ESI, if its use does not otherwise meet the definition of an emergency safety intervention: 1. Physical escort and 2. Time-out.
- Case #2: Change: This case details a situation where a staff member had completed CPI training on the “CPI Transport Position” in 2017. The CPI trainer assured trainees that its transport position was an escort and not a restraint and included a cross-arm grip, whereby staff would use both arms to lock the student’s forearms. A student could walk forward with staff “guiding” the student by pushing forward with their shoulders and hips. In this position, the student is not able to move to the right or left due to teacher’s pinching their sides, only being able to move forward.
- In this case, this type of escort was found to be a form of restraint. There were other allegations of restraint and seclusion. Parents sought access to see the video of their child’s escort and discovered the usage of CPI Transport and sought review. The school’s position was that it was not restraint as the student could still move by walking forward or dropping to their knees.
- The findings stated that it met the definition of a physical escort as well as meeting the definition of a physical restraint. Position was temporary but it exceeds “mere touching and holding”. Decided this position should be reported as an emergency safety intervention. The usage of the position was appropriate, but the issue lies in that it was not reported as a use of restraint.
- 13 Words
 - Case #3: This case took place in 2019. The student, who was a large male, was transported to a nearby seclusion room after banging his head on a table to the point where it can be described as a danger to self. Before using the seclusion room, staff did what they could to de-escalate the situation but were unsuccessful. Staff gave the student a choice to stop banging his head or go to a seclusion room. Parents alleged that this transport was a restraint. Parents were notified about this situation and asked to pick their child up. Upon arriving, parents saw the student being escorted by law enforcement in handcuffs to a police car.
 - During administrative review, district policy was reviewed, and it was determined it still referenced “CPI 2-person transport” as a physical escort rather than a restraint.
 - The school district used a form with three questions to give the district an opportunity to explain why ESI was used in this situation. The form

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meets regulations for documentation to give to the parents, but the issue was that the answers to the three questions only totaled up to thirteen words.

- Q: Description of the events leading up to the use of the Emergency Safety Intervention. A: “Self-Harm”;
- Q: Description of the student behaviors that necessitated the Emergency Safety Intervention. A: “Self-Harm, worried about throwing desk”;
- Q: Description of the steps taken to transition the student back into the educational setting. A: “Police matter; he was transported”.
- The regulation does not specifically state how much had to be written for the documentation. The actions were found to be appropriate, but it is expected that the district should give the parents much more information than this.
- Evacuation vs. Seclusion
 - Case #4- A student occasionally needs de-escalation which often means the removal of all students from the room. The student is always with one or two adults.
 - Seclusion Definition– Placement of a student in a location where all the following conditions are met:
 - 1. The student is placed in an enclosed area by school personnel;
 - 2. The student is purposefully isolated from adult and peers;
 - 3. The student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving the enclosed area.
 - The findings for this case state that in order for it to be seclusion, the student must be *placed* in an enclosed area. The student must be purposefully isolated from adults AND peers. If at least one other person is in the room, it is not seclusion. This is different in this student’s situation as everyone was evacuated instead of the student being placed in seclusion and that the student was only isolated from their peers not adults. The State Board has disagreed with this finding and put together a committee to resolve the issue in redefining seclusion.
- 2022 Version of K.A.R. 91-42-1
 - Area of Purposeful Isolation” - Any separate space, regardless of any other use of that space, other than an open hallway or similarly open environment.
 - “Purposefully isolate” – The school personnel are not meaningfully engaging with the students to provide instruction and any one of the following occurs:

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- 1. Removal of the student from the learning environment by school personnel.
 - 2. Separation of the student from all or most peers and adults in the learning environment by school personnel.
 - 3. Placement of the student within an area of purposeful isolation by school personnel.
 - Seclusion – Placement of a student for any reason other than for in-school suspension or detention, or any other appropriate disciplinary measure in a location. Here both of the following conditions are met:
 - 1. School personnel purposefully isolate the student; or
 - 2. The student is prevented from leaving, or the student has reason to believe that the student will be prevented from leaving, the area.
 - Additions (d)
 - (d)(1) – When a student is placed in seclusion, a school employee must see and hear the student at all times;
 - (d)(2) – The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation shall not create an exemption from otherwise reporting the incident as seclusion;
 - (d)(3) – When a student is placed or otherwise directed to an area of purposeful isolation, the student shall have reason to believe that the student is prevented from leaving.
 - The Kansas State Board of Education approved and submitted recommended changes to the ESI regulations to the Department of Administration. The changes in the regulations are currently under review and require a sixty-day public hearing period.
- Training Module
 - KSDE has developed a survey for agencies to use which is a simple set of questions that provide guidance on whether or not an incident or action could be defined as seclusion and/or restraint. The survey is NOT meant to be substituted for the district's required report following a seclusion and/or restraint. It is designed as a professional development tool to help staff analyze individual situations that could meet the reporting requirements for a seclusion and/or restraint.
 - The survey tool consists of a Qualtrics set of questions. It is an anonymous survey, so no data is collected, and responses are not saved. It is designed to be used multiple times. It does not replace any reporting requirements to parents or to KSDE. It will be published on KSDE website.
 - Survey included questions such as:

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- Did school personnel remove the student from the learning environment?
 - Did school personnel separate the student from all or most peers and adults in the learning environment?
 - Were school personnel meaningfully engaged with the student to provide instruction?
 - Was the student prevented from leaving the location to which they had been removed?
 - Did the student have reason to believe they could not leave their location?
 - At the time, was the student subject to in-school suspension, detention, or any other appropriate disciplinary measure?
- Final Notes
 - When in doubt, report the incident as seclusion and/or restraint.
 - Every time a school misses a deadline or a notice requirement, ensure that parents get notification as soon as possible.
 - Local dispute resolution is designed so that a final decision is made by the local board.
 - For questions about the ESI Regulations, contact R. Scott Gordon at (785)296-3204 or sgordon@ksde.org
 - Leslie Girard expressed frustration that Families Together was not involved with the definitions in K.A.R. 91-42-1 despite the organization being intimately involved with this issue for years. She wanted to note that it's the first time she's heard about it since the Leadership Conference. Marvin Miller said it might have been because it was created during COVID and fell through the cracks.

KSDE Updates

Bert Moore

- SPP and DMS - KSDE is a compliance and results agency which means they have to review the compliance indicators and look at the results.
- As part of required federal monitoring for IDEA and Title 1 Part D (neglected/delinquent), Stacie Martin and Heather Gould are co leads for the Alternative Integrated on-site monitoring. The primary purpose is to ensure school age youth (general education and special education) that are in a facility supported by Title 1 Part D funds are receiving FAPE as well as educational supports and services. Facilities monitored include Juvenile Detention Centers (JDC), Kansas Department of Corrections State Adult facilities including KS Juvenile Correctional Center (KJCC), Psychiatric Residential Treatment Facilities, (PRTF) and Child In Need of Care facilities.]

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- In 2018, a statute was passed for KDHE Part C services and school districts to conduct an annual language assessment of any child who is deaf or hard of hearing. The language assessment becomes an IDEA responsibility if it is in an IEP as a special education service, otherwise, it is the school district's responsibility. School districts may contact Craig Neuenswander at KSDE if they have questions about how to fund this assessment.] The Kansas School for the Deaf will work with school districts to secure consent from the parent to perform this assessment. This assessment exists as a preventative measure since research has shown that students who are deaf or hard of hearing have language deficits that interfere with learning. Special education funds are to be used for special education services specified in a student's IEP. The School for the Deaf/Hard of Hearing was recommended by the Kansas Commission for the Deaf/Hard of Hearing to coordinate the language assessment. Contact Luanne Barron at the Kansas School for the Deaf/Hard of Hearing if you have questions.
- Transition Coordinating Council (TCC) – The TCC was formed to help meet the needs of students with disabilities to plan for post-secondary opportunities and access agency supports after school completion. The goal of the TCC is to coordinate with organizations that work with school districts to establish collaboration to support the transition needs of transition age youth. This includes access to employment, community engagement, and/or support services.
 - Stacey Martin represents KSDE on the TCC along with Andy Ewing and Bert Moore.
 - KU has developed a transition needs assessment which will be piloted with school districts.
 - KU would like to have all teachers that work with transition age students to complete the survey. Agencies will be asked to provide a list of secondary staff so the survey may be distributed. Agencies will be provided feedback on what is learned from the survey results.
 - The TCC has discussed holding a Transition Conference and will continue to discuss this topic.
 - For a list of transition trainings/workshop and to register for one or more of these opportunities, please visit the TASN website at www.ksdetasn.org.
- Tri-State Law Conference – The conference will be held in Omaha on November 3rd-4th. This conference is a training opportunity for special education administrators/leaders, attorneys and people working with dispute resolution.
- Midwest Education Leadership Conference – This conference will be held in Breckenridge on June 19th-21st. The enrollment is limited to 150. Bert is the Kansas representative for planning this conference. The conference information will be shared

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with special education administrators as soon as the planning committee opens registration.

- KSDE leadership recognizes that there is an extreme shortage of properly licensed teachers to fill open special education positions. The federal stimulus funds are available to support the recruitment and retention of licensed teachers.

Council Ex-Officio Member Updates

- **Families Together** – Lesli Girard
 - SICC Report April-July 2022
 - The quarterly report for this time period indicates that there were 1,085 individualized consultations and trainings of those trainings: 57% were Tier 1- Parent Assistance (PA), 15% were Event Registration/Attendance, 9% were Tier 2 PA, 8% were Professional Attendance, 6% were Tier 3 PA, 4% were Information & Referral, and 1% were Student Assistance Tier 1. **Tiers depend on level of complexity with assistance such as general questions (tier 1) to person-centered planning (tier 3).*
 - Ethnicity Breakdown: African American – 11%, Asian – 3%, Caucasian – 52%, Hispanic – 18%, Native American – 1%, Other – 1%, Two or More Races – 2%, Not Determined – 13%
 - Age of Child/Youth: Birth through 2 – 4%, 3-15 – 15%, 6-13 – 43%, 14-18 – 32%, 19-21 – 5%, 22 and over – 1%.
 - Also included information on primary disability count (highest included autism, other health impairment, and emotional disturbance), top 20 contact content (highest included IEP, family support, and accommodations/modifications), and other topics of interest.
 - Education Advocate:
 - April 2022 – 46 appointments (22 new), 32 cancellations (11 final), 78 processed, and 5 early childhood appointments.
 - May 2022 – 38 appointments (32 new), 35 cancellations (23 final), 73 processed, and 12 early childhood appointments.
 - June 2022 – 18 appointments (7 new), 26 cancellations (14 final), 44 processed, and 3 early childhood appointments.
 - Always have a huge increase in numbers during the start of the school year. There were 129 appointments and 143 cancellations.
 - Together We Can Learn Conference – The conference will be held on September 17th at KU Edward Campus. Michael Murray is one of the speakers and will focus on inclusion. There will also be sessions on suspension and discipline, mental health, School Mental Health Initiative, google mapping for community services, siblings with disabilities, and stepping ahead at age 3.
 - The new Guide for Special Education has been printed and was developed in collaboration with KSDE. there is a Spanish version available. It is available in PDF.
- **Kansas Association of Special Education Administrators (KASEA)** – Ashley Enz
 - Ashley will send out mission and vision. There are 8 regional KASEA representatives across the state.

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- KASEA is working on supporting new directors, partnering with KSDE, and exploring how to better support Interlocal especially in the are of budgeting and fiscal.
- KASEA is planning a winter conference in February.
- There is a KASEA communication committee that will help offer guidance on better ways to communicate KASEA's message and recognize KASEA as the go-to for questions on special education to be reached out about special education funding bills. Will continue to work on communication and partnerships with the Kansas School for the Deaf and Blind.
- **Disability Rights Center – Mike Burgess**
 - The DRC has recently been doing presentations on alternative supported decision making and alternatives to guardianship.
 - The PDH council put together a conference in Wichita for families over the weekend over supportive decision making and being aware of the available tools to assist parents and emancipated youth.
 - There is a State Rehabilitation Council meeting tomorrow. Mike is the Chair and Tammy is Vice Chair. The Council works on transition and how to better serve youth with disabilities receiving vocational rehabilitation services.
 - The legislature has created an interim committee to review the Intellectual and Developmental Disability Waiver Modernization. We are currently working on recruiting self-advocates and parents to share their perspectives. The waiting list for services is a current issue with an approximate 10-year waiting period. KDADS had a budget hearing last month and the DRC asked to consider adding 1,000 additional slots and to eliminate the 5-year waiting list.
- **Kansas State Board of Education (KSBOE) Update – Jim McNeese**
 - The KSBOE is in the process of reviewing the multiplier for accredited private schools under the rules of the Kansas State Activities Association.
 - Yesterday the KSBOE had a meeting with the Regents. Topics discussed included the] graduation requirements and the provision of pathways that will provide opportunities for students transitioning from high school to post-secondary, including students graduating with six to nine post-secondary credits.
 - The KSBOE received a report from the Graduation Task Force. Discussion took place on adding financial literacy and technology credit while modifying other current requirements to allow more flexibility for student choice. Value added credits were reviewed which considered projects, certificates, and school activities as possible sources of credit. It was emphasized that districts currently have the ability to do much of what was discussed through local control.

Other Updates:

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Special Education Advisory Council Meeting Dates 2022-2023

November 9, 2022

9 AM – 3 PM

TBD

January 10-11, 2023

April 13, 2023

Closing Comments

Items for Next meeting

- Contact Trisha or Bert or Kayla with any new items

Action:

Motion to Adjourn: Tobias Wood

Motion seconded: Troy Pitsch

Meeting adjourned: at 2:12 pm

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the nondiscrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 S.W. Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201.

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