



Notes

Kansas Special Education Advisory Council

April 17, 2019

Call to Order:

Mike Martin called the meeting to order at 9:05 a.m.

Roll Call – Members Present:

Mike Martin
Stacie Clarkson
Tina Gibson

Rebekah Helget
Heidi Cornell
Chelle Kemper

Joan Macy
Amy Dejmaj
Kathy Kersenbrock-Ostmeyer
Marvin Miller
Deb Young

Jennifer King
Heath Peine
Lesli Girard

Judy Martin
Laura Thompson
Rocky Nichols

Members Absent:

Megan Laurent
Robb Scott

Rachel Marsh
Becci Werner

Sarah Schaffer

KSDE Staff Present:

Colleen Riley
Mark Ward
Amy Martin
Branden Johnson

Kerry Haag
Myron Melton
Brian Dempsey

Laura Jurgensen
Pat Bone
Tiffany Hester

Guests:

Mike Burgess, DRC
Shannon McKenzie
Beth Zillinger
Wayne Ball, National TA center representative for Kansas

Cary Wagstaff, Parent,
Dedra Raines
Peggy Childs

Marr Farr, KNEA
Angela Reinhardt
Tom Treacy
Pam Jenson

Approval of Agenda

Motion: Judy Martin

SECOND: Kathy Kersenbrock-Ostmeyer

Action: Approved

Approval of January 15-16, 2019 Minutes

Motion: Laura Thompson

Second: Rebekah Helget

Action: Approved

Dispute Resolution Data/Year in Review

Laura Jurgensen

Mark Ward

Handout: Due Process Decision, Formal Complaint Reports Case Law and Guidance

All decisions are posted on the legal page of the KSDE website, redacted for privacy, <https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special-Education/Legal-Special-Education-Law>

- Page 23 contains statistics data from 2017-2018.
- As of today, 31 complaints received for this year. Appeals to the process definitely seem to be going up. Complexity of formal complaints and appeals is on the rise. There are more complaints this year that are systemic in nature as opposed to an individual child complaint.
- Districts may propose a resolution prior to a formal investigation resolving the complaint before the investigation takes place. Some complaints are not in the realm of special education law so they are not investigated because the complaint belongs under another form of jurisdiction. Parents are referred to the appropriate resource for resolution.
- Review of cases and laws related to them from the handout were discussed.
- OCR – Office of Civil Rights complaint. These complaints do not go through KSDE, as defined by the federal law, but are occasionally relevant to the work of KSDE in providing services to special education students.
- KASB has attorneys who represent clients. KSDE has attorneys who provide technical assistance for how to proceed in resolving situations based on legal requirements.

Emergency Safety Intervention Data

Laura Jurgensen
Myron Melton

Handouts (2): Memo to House and Senate Education Committees and Governor and Emergency Safety Intervention Data – State Level Totals

Data reporting has been required for about 6 years. The statutes require specific data elements to be included. There are now three years of data on these required elements so trends established.

Myron coordinates technical assistance to schools in the area of emergency safety interventions. We have five people who serve the schools in need of assistance for this area. The focus is how do we improve the current situations and reduce the number of instances. We work with the schools, parents and students. We focus on professional development and preventative measures as well as how we differentiate services based on need.

What does technical assistance look like from the district perspective? Rebekah shared it was a great process to provide answers instead of checks and balances in her district. This is a general education policy but special education seems to have a greater understanding of the elements involved. Professional development is key to implementing the regulations with fidelity.

Documentation of reports has increased contributing to the increase of incidents. Technical assistance provides districts an opportunity to develop a quality plan. Reported incidents are not inherently bad. Student safety is the key concern and must be addressed appropriately.

Questions

- If this historical data will continue to be presented, can we also include the number of special education students in the data?
- Do you have any explanation for the 16-17 data increase in the number of seclusion incidents and restraints incidents reduction? Laura will look into the data more thoroughly and provide more information in July.
- Please help KSDE provide responses and training that are effective.
- If there are big swings in data in any district, can we find out any causes from the data received? Pockets of success and pockets of concern.

Infinitec
TASN Provider
PowerPoint

Beth Zillinger
Peggy Childs

- Conference in December that features demonstrating how much technology opens doors for our students. The conference celebrates student award recipients.
- Technology Services for children with disabilities. Technology can effectively level the playing field for these students.
- Technology must be imbedded in best practices for effectiveness.
- Virtual coaching using Swivel. Uses phone or tablet for the camera function.
- Equipment is available for checkout from an equipment library to use with students.
- InfiniTEXT – digital text repository and book scanning service. Free for all school districts in Kansas through the TASN Infinitec project.
- Collaborates with KPIRC on parent connections.
- <http://www.myinfinitec.org/> – online classroom. Recorded trainings. Learning management system through Engage to provide activity reports to track who has completed the training and required quizzes.
- Working collaboratively with KSDE to provide training for ESI. Working with Linda Aldridge and Joan Robbins.
- Private content section allows administrators to develop their own trainings for their staff. This is only viewable for the staff of their district.

SEAC Membership 2019-2020

Thank you to Dr. Robb Scott and Dr. Judy Martin for your service.

Chair Elect Nominations

Nominations:

- Kathy Kersenbrock-Ostmeyer was nominated by Rebekah Helget.
- Heath Peine was nominated by Marvin Miller. The nomination was seconded by Kathy Kersenbrock-Ostmeyer.

Heath was elected to serve as chair-elect 2019-2020 and will serve as chair 2020-2021.

Ex-Officio Positions to consider:

- Legislative
- Consideration for students with disabilities who are recent graduates. KYEA to recruit potential members.

Specific recommendations

Continue with State Board, DRC, and KPIRC as ex-officio members.

Motion: Marvin Miller

Second: Heath Peine.

Motion passed.

First Term continuations

Mike Martin and Beccy Werner agree to serve a second term.

Approve first term continuations

Motion: Laura Thompson

Second: Joan Macy

Motion passed.

Open positions are:

- Homeless representative
- Vocational
- Private Schools

Nominations are open April 18 – May 3. Please nominate. Notification requesting nominations will be shared on KSDE list serves.

Please keep in mind that 51% of membership needs to be a person or the parent of a person with an exceptionality.

Public Comment:

Kathy Kersenbrock-Ostmeyer representing the Northwest Kansas Education Service Center. Thank you to Colleen Riley for her leadership and support for the past 12 years. Encourage leadership at KSDE and KSBE to continue with the expertise of special education in filling this position.

Recommend that you express your thoughts to Dr. Randy Watson, Dr. Brad Neuenswander, and State Board of Education members.

Working Lunch

Secondary Transition

Mike Burgess, DRC
Pam Jenson, Wisconsin Department
of Public Instruction
Transition Improvement Grant (TIG)

PowerPoint and handouts

- Providing professional development to improve transition services. Postsecondary Transition Plan (PTP) is a statewide system for all students. It is used to collect data for Indicator 13. PTP was created using IDEA money. The application is funded through discretionary dollars.
- Examples of supplemental materials and content on the Wisconsin website.
<https://dpi.wi.gov/sped/transition-improvement-grant-transition-app>
TIG events has a link to the App and some further examples.
- Increasing student input in their planning for postsecondary work and the IEP meetings was a main reason for bringing the app to Wisconsin.

- The app is really just one piece of the work involved to improve the process.

Transition Taskforce

Dean Zajic

Handout – Subcommittees – Transition Workgroup

Started July 2018 in response to build on a bill proposed in the Kansas House. Approximately 45 individuals involved from a broad representative stakeholder group.

- Six Identified priorities
- Six sub-committees have been formed with a timeline of June 1 recommendations to the leadership of the taskforce to be digested and submitted by January 2020 to the State Board and/or legislature.
- The Parents' Guide to Special Education is in the revision process to be more parent friendly with the help of Families Together and other entities.

KSDE Updates

Colleen Riley and staff

Powerpoint

Branden Johnson, Assistant Director, KSDE Career Standards and Assessment Services (CSAS), and working with the Redesign efforts.

As a result of the January SEAC meeting a survey of the redesign districts was completed. Branden shared the following results:

- Survey was completed by the pilot (lead) for each of the districts.

Question 1 – Special education directors participation in redesign 52% responded No, 47% responded yes.

Comments

- Directors were not involved in the planning process and were brought in late in the process to correct discrepancies.
- Ask special education directors for their response to the same question. The plan for this year has included direction to include the special education team in the planning process. This was not necessarily true in the Gemini I and II projects.
- Directors want to be involved from the beginning in the process as teachers and principals are not necessarily knowledgeable of the federal implications of changes. Early involvement will help pitfalls be avoided instead of having to go back and fix the problems.
- This also applies to title programs and their involvement.

Question 2 – Parent Involvement in redesign work.

- 96.4% responded yes

Comment:

- Was any thought given to parent input before applying? No. Parent/Family involvement begins early in the development of the Redesign plan but input is not sought during the application process.

Question 3- Inclusion of English Language and other special teachers

- 85.5% responded with a yes they are involved.
- Most districts with high populations have included these staff specialties.

Nineteen districts with 41 schools will join the Apollo redesign phase for next year. KSDE will continue the regional model for training and planning.

Discussion:

- Please share the need for inclusion of special education directors and coops from the beginning of team development in the redesign process.
- How does KSDE help our schools receive training and be knowledgeable to implement inclusive programs instead of pull out programs?
 - Big blue button on the TASN website, to get to resources on evidence based practices
- Principals are still not knowledgeable about the blue button. Continue spreading the word. www.ksdetasn.org
- Thank you for the feedback and the help improving the process. Please continue to share your ideas with the redesign team.
- Could the redesign team provide updates to SEAC on the process of redesign and special education process two or three times next year? SEAC members want to provide information and receive input on the process. Jay, Tammy, and Sarah Perryman will be asked to present regularly.

Dyslexia Taskforce

Laura Jurgensen

Recommendations accepted by the State Board in January. A small team at KSDE has formed to develop action steps and timeline. Dr. Watson is continuing to update the State Board on this work.

Significant-Disproportionality

Laura Jurgensen

Analyzing data for significant disproportionality by race/ethnicity in the following areas: identification of students with disabilities, identification of students within specific disability categories, discipline of students, and placement of students in a restrictive environment. This analysis is required by IDEA and has been occurring for a number of years. KSDE analyzes this data and provides the results to districts. The Obama administration changed the regulations implementing the IDEA on this topic. The DeVos administration then delayed those changes. Advocacy groups sued over the delay of implementation and the lack of following correct procedures to delay new regulations. The DC Circuit Court agreed that US Dept. of Education did not follow necessary procedures and ordered the regulations be implemented immediately. Guidance has not been received from the U.S. Department of Education since the court ruling.

KSDE will be analyzing data in both the classic method and the revised method and will be prepared to implement either once guidance from the U.S. Department of Education is received. We will be clear in our communication with districts about the method of interpretation used.

The revised method looks at three years of data. The classic method only uses two years. KSDE will be specific about which school years have been used in the reports shared. Data used must be finalized so it will not include 2018–19 data for this year's determination.

Kansas APR

Colleen Riley

SEAC reviewed trend data at the January meeting. KSDE received feedback on clarifications needed to the reports last week and those clarifications were addressed in meetings yesterday.

The clarifications requested were minor. Determination received following the review will be shared at the July SEAC meeting.

The data used for federal reporting also helps KSDE determine what supports districts need.

IDEA application for use of federal funds is posted for public comment. The application will be submitted to Department of Education in May. No comments have been received.

OSEP staff changes

Ruth Ryder, moving away from OSEP deputy director position. She will be in the Office of Elementary and Secondary Education, which is responsible for title programs and certain grants. Her former position should be filled soon.

Secretary DeVos article Jim McNiece asked that this article looking at seclusion and restraint be shared with SEAC. No federal law exists on seclusion and restraint. Thank you SEAC for taking on this topic for Kansas and providing recommendations to the State Board and Legislature.

The Early Childhood, Elementary and Secondary Education Subcommittee of the United States House Education & Labor Committee recently held a hearing on the use of seclusion and restraint. A teacher from Kansas testified and spoke eloquently and informatively about the Kansas requirements and her efforts to reduce the use of seclusion and restraint in her classroom.

Personnel shortages

Handout: Policy brief from The CEEDAR Center

Personnel shortages are a topic of high concern across Kansas. Kansas must not dilute the profession just to fill positions. Other ways to address this issue must be considered.

Kansas ABLE Savings Plan –

Tom Treacy, Kansas State Treasurers Office

PowerPoint

- Investment accounts for people with disabilities.
- Restrictions for opening an account beyond age 26? No, as long as they are identified prior to that age.
- There is discussion of raising the age of identification from 26 to 46.
- A Provision has passed for Medicaid not to be able to take the money from the ABLE account for any reason.

KSDE Updates Continued

Legislative

Laura

From a special education standpoint, this has been a very quiet session. No bills are active that will impact special education directly. The *Gannon* case is currently underway to determine legality of the funding legislation that has passed.

Supportive decision-making agreements acts – Provision to create a team of folks that inform decision making for an individual while the individual retains decision-making authority. It is currently an item available to insert during a conference committee. It may or may not make it through this legislative session.

Protected income level – Federal income guidelines – motion in the budget to raise the limit to \$1,177 from \$747.

Council for Exceptional Children (CEC) National Conference was held in Indiana in February.

This is a great conference for teachers, children, and families. Next year it will be held February 5-8, 2020 in Portland, OR. This conference focuses on celebrating children with exceptionalities and viewing their abilities as opposed to their disabilities.

Kansas CEC will be holding a conference May 31st at the Kansas Association of School Boards Office in Topeka. Kansas CEC presents students the “Yes I Can” award.

Upcoming Conferences Handouts – SEAC member travel is supported for these events.

- Impact Institutes
- KSDE TASN Leadership Conference
- Kansas MTSS Symposium
- KSDE Annual Conference
- Tri-State Law Conference (Iowa, Nebraska, Kansas)
- TASN Kansas Infinitec Coalition Technology Conference

Council Member Updates

- Families Together – Lesli. Handouts. Tiered services triangle and updated report based on the tiered levels. Families Together is providing IEP mentoring for families. Using the Life Course Framework. Would be cool to incorporate some of this information into the transition APP for Kansas. Families Together and Heidi Cornell at WSU are doing a research project to determine the efficacy of the IEP support mentor project. They have also submitted a proposal to present at CEC next year.
- KASEA – Heath
 - KASEA Conference this year was much improved. Feedback was excellent. Lessons were learned for future years. Vendors want to help us improve.
 - Legislative committee- met 8-10 times with 8-10 members present for discussion.
 - Awards – five will be given this year at the summer leadership conference.
- DRC – Rocky – Reminder to members of SEAC of the program that serves disability members that are crime victims. <http://www.drckansas.org/publications/drc-disability-crime-victims-brochure/view>
- Judy – Homelessness – Maureen Ruhlman is providing professional development across the state now. Remember, all liaisons must have training.
- Marvin – Kansas CEC May 31st 2019 Get Engaged, KASB

Colleen expressed her appreciation for SEAC and the work it has done during her tenure at KSDE. Keep up the work of providing a voice for children. Thank you for your support! The Kansas Special Education and Title Services team is the best in the county, bar none.

Adjourn

Motion: Kathy Kersenbrock-Ostmeyer

Second: Marvin Miller

Motion Passed

Adjourned at 3:08 PM