

# Welcome to the Special Education Advisory Council Meeting



Please be sure your microphone is muted until you wish to participate in an open discussion with the council.

The meeting will start promptly at 9:00.

# How to pin the Interpreters Video

Our Interpreters today are Tanya Northcraft and Robin Olson.

At the top of your meeting window, hover over the video of the participant you want to pin and click ...  
From the menu, click Pin.

Optional: If you want to pin additional videos (up to 9 total), follow steps 1 & 2 again as needed.

Optional: If you have at least 3 participants in the meeting and dual monitor enabled, you will have the option to pin to your first screen or your second screen.



# Public Comment

- Guidelines for Testimony
  - Prior to start of the SEAC meeting, be sure to email Pat Bone, [pbone@ksde.org](mailto:pbone@ksde.org) expressing desire to speak during public comment.
  - All comments will be taken under advisement by the council.
  - Any response from the Council to public comments will come at a later date.
- Verbal Public Comment
  - Verbal comments are limited to three minutes.
  - Cue will be given one minute before time expires.
- Written Testimony
  - Written input must include the name, address and county of residence of the person submitting comment.
  - Written comments can be submitted via email, mail, or fax to the secretary of the SEAC.





# Special Education Advisory Council



April 22, 2021

*Kansas leads the world in the success of each student.*

# Call to Order

- Welcome
- Roll Call



# Approvals

- Agenda for today, April 22, 2021
- Minutes January 12-13, 2021



# Public Comment

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# Legislative Finance Update

Craig Neuenswander

Dean Zajic



# Legislation at Turn Around

S. Craig Neuenswander  
April, 2015



# K-12 Education Budget



# SB 175 (HB 2119)

- Governor's Recommended Budget
- TCLISSP Expansion
- Student Empowerment Act
- Directs use of ESSER Funds
- Remote Learning requires KSBE Approval
- Remote Learning funded at \$5,000 full-time



# HB 2007

Funds the rest of State Government

No 2% Across the Board Reduction

No Replacement with ESSER Funds

No Elimination of New Increases

No Elimination of HDAR



# 20 Mill General Fund Levy

Must be renewed every 2 years.

\$752 Million projected Revenue

Has not been passed.



# HB 2104 Revenue Neutral Rate

- June 15: County Clerk notifies district of Revenue Neutral Rate
- July 20: District notifies County Clerk of tax rate for new year
- County Clerk notifies individual tax payers of new tax levy. Begins 2022
- District publishes notice to exceed Revenue Neutral Rate
- Aug 20 – Sept 20: District holds hearing to exceed Revenue Neutral Rate
- Sept 20: District submits budget
- Oct 1: District certifies levy to county clerk



# HB 2104 Revenue Neutral Rate Continued

- Calculation: Prior year **total taxes** divided by current year **total valuation**.

	<u>Valuation</u>	<u>Mills</u>	<u>Taxes Levied</u>
FY20 Gen Fund	\$32,400,000	20.000	\$648,000
Total Value	\$33,900,000	27.500	\$932,250
<b>Totals</b>		<b>47.546</b>	<b>\$1,580,250</b>

Revenue Neutral Rate =  $1,580,250 / 34,578 = 45.932$

FY21 Gen Fund (2%)	\$33,048,000	20.000	\$660,960
Total Value	<b>\$34,578,000</b>	25.932	\$896,677
<b>Totals</b>			<b>\$1,557,637</b>



# SB 40

- Only Local Board makes Policy for COVID
- Aggrieved Employee, Student, or Parent may request Hearing with Board.
- Must be held in 72 hours. Decision within 7 days.
- Same for Civil Suit with District Court





# HB 2039

- Civics Exam required for HS Graduation
  - Offered 2021-22; Required 2022-23
- Personal Financial Literacy required for HS Graduation
  - Offered 2022-23; Required 2024-25
- IEP Accommodations allowed



# HB 2089

- If School District teaches Firearm Safety
  - K-5: NRA's Eddie Eagle
  - 6-8: NRA's Eddie Eagle or Kansas Dep't of Wildlife and Parks
  - 9-12: Kansas Dep't of Wildlife and Parks
  - KSBE develops Curriculum Standards



# House Sub SB 63

- Full-time in-person option by March 31
  - Applies for rest of year

## SB 55

- Prohibits biologically designated males from participating in female sports.



# HB 2049

Public entity may not charge fee for LPA records request.

# HB 2405

\$500 million bonds for KPERS Unfunded Actuarial Pension Liability



# SB 86

- Extraordinary Utility Costs Loan Program
  - Feb. 2021 Weather Event Natural Gas Costs
  - Low Interest Loan
  - Apply now with State Treasurer
  - Funds Available June 1.





S. Craig Neuenswander, Ed. D  
Deputy Commissioner  
Fiscal & Administrative Services  
(785) 296-3871

# ESSER and EANS Update

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Dean Zajic  
Doug Boline  
Tate Toedman



# K-12 COVID-19 Relief Funds – ESSER III

Spring 2021



# Federal relief funds intended to further support LEAs and nonpublic schools in addressing these needs

	Elementary & Secondary School Emergency Relief Fund (ESSER)			Emergency Assistance to Non-Public Schools (EANS)	
Description	Awarded to SEAs based on Title I formula to provide emergency relief funds to LEAs to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools across the Nation			Awarded to Governors to provide services or assistance to eligible non-public schools	
Intended Use	Used by LEAs for preventing, preparing for, and responding to COVID-19			Address the impact of COVID-19 on non-public school students & teachers	
Bill	ESSER I	ESSER II	ESSER III	EANS I	EANS II
	CARES Act (Mar '20)	CRRSA Act (Dec '20)	ARP Act (Mar '21)	CRRSA Act (Dec '20)	ARP Act (Mar '21)
KS Amount	\$85M	\$370M	\$830M	\$27M	TBD
Timeframe	<ul style="list-style-type: none"> <li>Usable from Mar '20</li> <li>8M SPED</li> <li>Obligate by Sep '22</li> </ul>	<ul style="list-style-type: none"> <li>Usable from Mar '20</li> <li>24M SPED</li> <li>Obligate by Sep '23</li> </ul>	<ul style="list-style-type: none"> <li>Usable from Mar '20</li> <li>28M SPED</li> <li>Obligate by Sep '24</li> </ul>	<ul style="list-style-type: none"> <li>Usable from Mar '20</li> <li>Obligate by Aug '21</li> <li>Services through Sep '23</li> </ul>	<ul style="list-style-type: none"> <li>Award within 60 days</li> <li>Obligate by Sep '24</li> </ul>



## EANS II also similar to EANS I, with similar amount; no reimbursements allowed

	EANS I	EANS II
Kansas Allocation	\$26.7M	\$25M
Awarded by	9/30/23	9/30/24
Prioritization	Low income & COVID need	Low income & COVID need
Reimbursement	Reimbursement allowed for some categories	No reimbursements allowed
Deadlines	30 days to launch app 30 days to respond to apps	<i>Receipt of funds date TBD</i> 30 days to launch app 30 days to respond to apps

<sup>1</sup> Official state allocation still pending; total EANS II amount of \$2.75B equivalent to total amount for EANS I



# ESSER III signed into law; overall similar to ESSER II with some key differences

	ESSER II	ESSER III
Kansas Allocation	\$370M	\$830M
Awarded by	9/30/23	9/30/24
LEA set-asides	90% to LEAs: any allowable uses	90% to LEAs: 20% must be used for learning loss
Allowable uses	15 allowable use categories	Allowable use categories almost identical to ESSER II
SEA set-asides	9.5% to SEAs at their discretion; max 0.5% for administration	5% learning loss; 1% afterschool; 1% summer enrichment; 2.5% at SEA discretion; max 0.5% for administration
Reopening plans	N/A	LEA must publish reopening plan if it hasn't already, including public comment period

<sup>1</sup> Official state allocation still pending; total ESSER III amount of \$123B is ~2.25x the ESSER II amount of \$54B





For all EANS questions contact  
[eans@ksde.org](mailto:eans@ksde.org)

For all ESSER questions contact:  
[esser@ksde.org](mailto:esser@ksde.org)

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.





# Break

# SPP/APR

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Bert Moore

Laura Jurgensen



# FFY 2019 SPP/APR



Submitted January 29, 2021

(State Systemic Improvement Plan submitted February 9, 2021)

# SPP/APR Indicators

- Indicator 1: Graduation
- Indicator 2: Drop Out
- Indicator 3B: Participation for Students with IEPs
- Indicator 3C: Proficiency for Students with IEPs
- Indicator 4A: Suspension/Expulsion
- Indicator 4B: Suspension/Expulsion by Race/Ethnicity
- Indicator 5: Education Environments (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
- Indicator 17: State Systemic Improvement Plan





# Kansas Performance on the FFY 2019 SPP/APR

Indicator	Did Kansas Meet the Target?	Did Kansas have Slippage?
1: Graduation	Did Not Meet Target	Slippage
2: Drop Out	Did Not Meet Target	Slippage
3B: Participation for Students with IEPs	No Data	No Data
3C: Proficiency for Students with IEPs	No Data	No Data
4A: Suspension/Expulsion	Met Target	No Slippage
4B: Suspension/Expulsion by Race/Ethnicity	Met Target	No Slippage
5: Education Environments (5-year-old kindergarteners-21)	Met Target	No Slippage
6: Preschool Environments	Did Not Meet Target	Slippage



# Kansas Performance on the FFY 2019 SPP/APR

Indicator	Did Kansas Meet the Target?	Did Kansas have Slippage?
7: Preschool Outcomes	Did Not Meet Target	Slippage
8: Parent Involvement	Met Target	No Slippage
9: Disproportionate Representation	Met Target	No Slippage
10: Disproportionate Representation in Specific Disability Categories	Met Target	No Slippage
11: Child Find	Did Not Meet Target	No Slippage
12: Early Childhood Transition	Did Not Meet Target	No Slippage
13: Secondary Transition	Did Not Meet Target	No Slippage
14: Post-School Outcomes	Did Not Meet Target	Slippage



# Kansas Performance on the FFY 2019 SPP/APR

Indicator	Did Kansas Meet the Target?	Did Kansas have Slippage?
15: Resolution Sessions	Met Target	No Slippage
16: Mediation	Met Target	No Slippage
17: State Systemic Improvement Plan	No Data	No Data



# Indicators for Which Kansas Did Not Meet Target



# Indicator 1: Graduation

FFY 2019 Kansas Target	FFY 2019 Kansas Data
85.75%	78.41%

- Percent of youth graduating from high school with a regular high school diploma.
- Kansas reports using the 4-year Adjusted Cohort Graduation Rate.
- An examination of state-level data for this indicator did not provide a clear indication of specific factors to account for the slippage. Slippage on this indicator is attributed to annual variance in data. Compared to FFY 2014–17, FFY 2019 shows continued improvement.



# Indicator 2: Drop Out

FFY 2019 Kansas Target	FFY 2019 Kansas Data
2.32%	2.52%

- Percent of youth with IEPs dropping out of high school
- Kansas reports using the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data.
- An examination of state-level data for this indicator did not provide a clear indication of specific factors to account for the slippage. Slippage on this indicator is attributed to annual variance in data. Compared to FFY 2014–17, FFY 2019 shows continued improvement.



# Indicator 6: Preschool Environments

Indicator	FFY 2019 Kansas Target	FFY 2019 Kansas Data
6A	39.00%	40.14%
6B	31.75%	36.96%

- Percent of children ages 3–5 with IEPs attending a:
  - 6A: Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
  - 6B: Separate special education class, separate school, or residential facility.
- Kansas reports using the same data as used for reporting to the U.S. Department of Education under the IDEA, using the definitions in EDFacts file specification FS089.
- The slippage on 6B is likely attributable to Kansas including 5-year-old Kindergarten students in the school age population (EDFacts file 002) beginning with school year 2019–20. KSDE is in the process of examining additional factors that may have contributed to the slippage.



# Indicator 7: Preschool Outcomes

Indicator	FFY 2019 Kansas Target	FFY 2019 Kansas Data
7A2	67.00%	61.87%
7B2	64.00%	60.22%
7C2	79.50%	75.76%

Item 2 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.

- Percent of children ages 3–5 with IEPs who demonstrate improved:
  - 7A: Positive social-emotional skills (including social relationships);
  - 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.
- Kansas reports using the [Early Childhood Outcomes Center Child Outcomes Summary Form process](#).
- 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 closure and change in instructional delivery models due to the COVID-19 interruption, staff turnover at the local level, and increased requests for technical assistance with data entry.





# Indicator 11: Child Find

FFY 2019 Kansas Target	FFY 2019 Kansas Data
100%	99.55%

- 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 FFY 2019 by 12 students.



# Indicator 12: Early Childhood Transition

FFY 2019 Kansas Target	FFY 2019 Kansas Data
100%	99.82%

- Percent of children Part C refers prior to age three, who are found eligible for Part B, and for whom Part B develops and implements an IEP by their third birthdays.
- 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 FFY 2019 by four students.



# Indicator 13: Secondary Transition

FFY 2019 Kansas Target	FFY 2019 Kansas Data
100%	99.80%

- 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 services, including courses 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 FFY 2019 by six items of noncompliance.



# Indicator 14: Post-School Outcomes

Indicator	FFY 2019 Kansas Target	FFY 2019 Kansas Data
14A	48.65%	35.40%
14B	72.65%	60.72%
14C	83.30%	73.39%

- 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.
- 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 interruption, which has affected access to other postsecondary settings, possibly making it less likely students are participating. It also affected employment. Nearly 22% of exiters reported being laid off from a job as a result of COVID-19 and 38% reported a reduction in work hours.



# FFY 2020–25 SPP/APR: New Requirements

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# FFY 2020–25 SPP/APR Changes at a Glance

FFY 2020-25 Part B SPP/APR changes	Part B indicators																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
No changes							✓				✓	✓			✓	✓	
Minor changes and/or clarifications				✓	✓				✓	✓			✓				✓
Changes to response rate and representativeness								✓						✓			
Change to data source	✓	✓															
New components			✓			✓											

NOTE: There are additional reporting requirements for stakeholder involvement that may affect each indicator.



# Data Quality

- OSEP will consider the impact of COVID-19 on the State's FFY 2020 SPP/APR data.
- OSEP recognizes that COVID-19 could impact FFY 2020 data collection and data reporting.
- KSDE is preparing for this by determining which data has been impacted by COVID-19 and documenting:
  - The impact on data completeness, validity, and reliability;
  - An explanation of how COVID-19 specifically impacted KSDE's ability to collect the data for the indicator; and
  - Any steps KSDE took to mitigate the impact of COVID-19 on the data collection.



# Baseline

- States are permitted to revise baseline data and, when doing so, are required to provide an explanation for the revision.
- OSEP expects that baseline data would be revised when there is a change in methodology or data source for the indicator that impacts comparability of the data.
- Based on the proposed changes, KSDE anticipates revising most of the indicator baselines.





# Targets

- States are required to set targets that show improvement over the baseline data for the FFY 2020–25 SPP/APR.
- For FFY 2020–2025, States' description of stakeholder input on the States' targets in the SPP/APR must include:
  - The number of parent members and a description of how the parent members of the State Advisory Panel, parent center staff, parents from local and statewide advocacy and advisory committees, and individual parents were engaged in target setting, analyzing data, developing improvement strategies, and evaluating progress;
  - Description of the activities conducted to increase the capacity of diverse groups of parents to support the development of implementation of activities designed to improve outcomes for infants and toddlers with disabilities and their families;
  - The mechanisms and timelines for soliciting public input for target setting, analyzing data, developing improvement strategies, and evaluating progress; and
  - The mechanisms and timelines for making the results of the target setting, data analysis, development of the improvement strategies, and evaluation available to the public.



# Representativeness in Indicators 8 (Parent Involvement) and 14 (Post-School Outcomes)

- Race/ethnicity was included as a required demographic category because OSEP believes that it will increase high quality data necessary for States to improve outcomes. High quality data means data that accurately reflect the infants, toddlers, and youth with disabilities served.
- Therefore, OSEP believes that it is necessary to include race/ethnicity and at least one of the following demographics:
  - Age of the student,
  - Disability category,
  - Gender,
  - Geographic location, and/or
  - Another demographic category approved through the stakeholder input process.
- OSEP delayed the requirement to report on the specific demographic categories to February 2023 so States will have time to make any necessary adjustments. KSDE will adjust its survey beginning with the 2021–22 school year.



# Timeline

- KSDE is currently preparing to gather stakeholder input.
- KSDE will gather stakeholder input from late June through August.
- KSDE must decide on new state targets and changed processes in September to prepare for the February 1, 2022, SPP/APR submission.
- At the July SEAC meeting, KSDE will provide an update on the stakeholder input process and input received.
- At the September SEAC meeting, KSDE will provide a summary of all stakeholder input, and request SEAC's official input on the Kansas proposed targets.
- Following the September SEAC meeting, KSDE will set the SPP/APR targets and make available to the public the results of target setting, data analysis, development of improvement strategies, and evaluation.



# Discussion

Whom should KSDE consider involving in target setting, analyzing data, developing improvement strategies, and evaluating progress?



# Membership 2021-2022



Heath Peine  
Bert Moore  
Pat Bone

# Completion of First Terms

- Heath Peine
- Jennifer King
- Dr. Heidi Cornell
- Rachel Marsh

Motion needed to forward to the state board for second term approval.



# Filling Open Positions

- Nomination and Application – new two step process
  - Step one Nominations form  
[https://docs.google.com/forms/d/e/1FAIpQLSdl1rynz1eDhY6FcmhjFazKUxlzR8aXm1slxXISX7-zPHFMYQ/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLSdl1rynz1eDhY6FcmhjFazKUxlzR8aXm1slxXISX7-zPHFMYQ/viewform?usp=sf_link)
  - Step two – nominees will receive an email to complete the application form.  
[https://docs.google.com/forms/d/e/1FAIpQLSd\\_FaheYs244XeFaJsxl82K\\_okoSH4IV3AdQyOFwbzlsjGyhQ/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLSd_FaheYs244XeFaJsxl82K_okoSH4IV3AdQyOFwbzlsjGyhQ/viewform?usp=sf_link)
- Membership Committee Review and Recommendation for the State Board



# Membership Review Committee

- Jennifer King
- Marvin Miller
- Two additional council members need to be determined
- Support from KSDE staff for the review committee





# Election of Chair Elect to serve 2021-2022

- Nominations
- Motion/Second
- Vote





# Lunch Break

# TASN

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Crystal Davis

Amy Gaumer-Erickson



# Licensure Committee Updates



Heath Peine

# Legislative Special Education Update

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Laura Jurgensen



# Council Member Updates



# Member Updates

- Families Together, Lesli Girard
- KASEA
- Disability Rights Center, Rocky Nichols
- Others



# Disability Rights Center Documents

- Special Education during the Pandemic

<https://www.drckansas.org/publications/special-education-fact-sheets/special-education-during-covid-19>

- Alternatives to Guardianship & Conservatorship

<https://www.drckansas.org/GCAlternatives>

- The new Child Tax Credit

<https://www.drckansas.org/publications/child-tax-credit-2021>

- Economic Impact Payments and People with Disabilities

<https://www.drckansas.org/publications/economic-impact-payments-1>





# KSDE UPdates

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KSDE Staff



# KSDE Updates

- FAQ on Special Education Legal Guidance Spring/Summer 2021
- July Summer Leadership Conference
  - July 28-29, 2021
  - Registration at: <https://www.ksdetasn.org>
- Council Member Recognitions
- Meeting Dates 2021-2022



# GUIDANCE

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## 2021 Spring and Summer Update: Compliance with the Individuals with Disabilities Education Act and the Kansas Special Education for Exceptional Children Act during the COVID-19 Pandemic

### Guidance Document



# KSDE/TASN Summer Leadership Virtual Conference

- July 28-29, 2021
  - Featuring pre-recorded and live sessions
  - Registration will be available on <https://www.ksdetasn.org/>
  - SEAC members may be reimbursed for registration to attend.



# Council Member Recognitions

For your service to the Children of Kansas by serving two terms on the council.

- Tina Gibson
- Sarah Schaffer
- Deb Young



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# Council Member Recognition

- Heath Peine for serving as Council Chair 2020-2021



# Council Meeting Dates 2021-2022

- July 15, 2021 Virtual
- September 16, 2021, Virtual
- November 17, 2021, Virtual
- January 12-13, 2022 Virtual or In-person to be determined
- April 14, 2022 Virtual or In-person to be determined





# Keep The Main Thing The Main Thing



7/14/2021

Kansas State Department of Education | [www.ksde.org](http://www.ksde.org) | #KansansCan

*Kansas leads the world in the success of each student.*





# Closing Comments/Adjournment

- Next SEAC Meeting: July 15, 2021
  - Virtual 9am-3pm
- Items for next agenda
- Motion to adjourn





Bert Moore  
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Special Education & Title Services  
(785) 291-3097  
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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.

