



SPECIAL EDUCATION ADVISORY COUNCIL MINUTES



Details

Date November 10, 2021

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 – Admin	x	Whitney George
	Heath Peine	x	Marvin Miller		Mike Burgess
	Amy Wagoner		Matthew Ramsey		
x	Barney Pontious Parent/Child to 26	x	Michelle Warner – Foster Care		
	Becci Werner		Paul Buck		
x	Brandon Gay	x	Rebecca Shultz		
x	Jennifer Kucinski	x	Sabrina Rishel - Gifted		
	Jennifer Kurth	x	Tobias Wood		Kim-Interpreter
	Kari Wallace	x	Trisha Backman		Allison-Interpreter
x	Laura Thompson		Dr. Troy Pitsch		

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

	Jim McNiece		Ashley Enz		
X	Leslie Girard/ Leia Holley, Families Together				
	Mike Burgess				
x	Rocky Nichols				

KSDE Staff:

X	Bert Moore			x	Kerry Haag
		x	Kayla Love		Dean Zajic
	Shanna Bigler	x	Brian Dempsey	x	Josie McClendon
	Cary Rogers	x	Julie Rands		

Guests:

Quorum (11) met: Yes, 13 Voting members present

Agenda Approval: November 10, 2021 Agenda

Motion to approve: Tobias Wood

Second: Marvin Miller

Action: Motion approved

Minutes Approval: September 16, 2021 Minutes

Motion to approve: Marvin Miller

Second: Trisha Backman

Discussion: Change that Leslie Girard/Leia Holley was not present at the previous meeting.

Action: Motion approved

Public Comment:

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

IDEA Due Process Decisions

Mark Ward, Handout

- 2 due process hearings within the last 30 dates one being appealed other appeal date end 11/11/2021.
 - 21 DP001-
- Child who is 11 years old always had a severe hearing impairment, she

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has gotten a cochlear implant, not doing well so the parent asked that the child be placed at the Kansas School for the Deaf, and the school district refused that request. The IEP team refused that request, so the mother filed for a due process hearing. The officer looked at the communication needs of this child and found that the district has not made the services and accommodations necessary for this child to be successful with those communication needs and said the district did not provide a free appropriate public education and ordered the immediate enrollment in the School for the Deaf. That immediate enrollment has not taken place because there is a 30-day appeal process, so the decision is not final till 11/11/2021.

- 21DP-002
 - Parent request a due process hearing because everything was wrong, from Child Fine to FAPE to the IEP. It is pretty rare that parents win these due process hearings because if the parents have a good case the school will settle. Even if the district thinks they are going to win sometimes the districts think that the due process is more expensive for the district than giving the parent what they want. The district defended themselves in this due process and ended up losing as well. The hearing officer said the school did not evaluate the student properly and they failed to develop an appropriate IEP and failed to implement the IEP that was developed. They did not respond to an independent educational evaluation request. They then significantly impaired the parent's opportunity to participate in the decision-making process. The hearing officer ruled for the parents in every one of these situations but failed to provide the relief. The parents were requesting private school tuition. The hearing officer issued a supplemental decision in which the hearing officer said I am not going order private school tuition but instead the student is to remain in the school district., but the school is supposed to provide a special education, IEP specialist, a board-certified Behavior Analyst, and an Educational tutor, and also to pay for previous services. Both parties appealed this decision.
- Child during an appeal:
 - During an appeal, there is a state put provision, so the current IEP stays in force. If the review officer agrees with the hearing officer and rules in favor of the parents, since it is a State review officer that's going to change the state put provision.
 - The state put provision says that the child stays put through the litigation through the end of the litigation, unless the parents and the state agree that the parent is the prevailing party.
- Follow up on Corrective action
 - In regards to formal complaints:
 - we have a tracking system- timeline for everything.
 - When everything is confirmed and verified that the corrective actions are done we write a letter to both parties, saying this is to confirm that everything has been completed and we are closing the case.
 - In regards to due process:

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- The State Department of Education does have responsibility to make sure that decisions of hearing officers are enforced.
- If the case is appealed all the way to a court (State or Federal) and the court rules; then the state no longer has the authority to enforce the courts order. From there the Court enforces its own orders.

Fiscal Update

Dean Zajic– PowerPoint Presentation

- Federal Relief Funding
 - March 2021 was the last federal relief fund passed, ARP Act, ESSER III
 - Total was \$830million
 - Most school district have spent through ESSER I, and just now touching ESSER II.
 - No one has drawn down ESSER III funds. Districts must submit an application for approval to Task force then the State Board of Education.
 - ESSER III is required to solicit feedback and engage with various Groups from their community
 - Congress requires the feedback
 - Can not just publicize what they plan on doing with the funds, but rather get feedback on how to spend the funds.
 - Groups such as: Special Education Teachers and Administration, Parent Groups, Groups representing Students with disabilities or English Learners, or Students in Foster Care or the Homeless, Civil Rights Organizations (Disability Rights organization), and etc.
 - Districts are not required to incorporate any or all recommendations, but need to give a chance for meaningful engagement
 - IN ESSER III, American Rescue Plan it does highlight the additional IDEA funding, Individuals with Disabilities Education Act aid. With ESSER III it included an additional 28 Million for IDEA funding
 - This 28 million is not Federal Relief Aid, even though it was made available at the same time. It is spent the same as regular IDEA money, no additional flexibilities or restrictions
- Additional Discretionary ESSER Grants
 - State set-aside is available for ESSER II and III
 - Goes to State School for the Blind, State School for the Deaf, and the Department of Corrections
 - ESSER II Set-aside:
 - School for the Deaf- \$50,000
 - School for the Blind- \$100,00
 - ESSER III Set-aside:
 - School for the Deaf- \$200,000
 - School for the Blind- \$200,000
 - Department of Correction- \$200,000
- Federal Aid is new, temporary and challenging to spend it effectively in a short period

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of time.

- Must be used otherwise sent back to the Federal Government
- Must be used to provide new or expanded services and supports, cannot be used to supplant old funding
- PSA- Hotlines and other opportunities to report any suspected waste, fraud or abuse
- Funds are intended to support students and help them bounce back from the pandemic
- The office of Inspector General at the US Department of Education has received a significant injection of funds and have seriously expanded their manpower and already begin looking at states and districts.
- New Federal Programs
 - Infrastructure bill:
 - Placed into Law as of 11/10/2021
 - Funding made available for safe routes to school (within 2 miles)
 - Special emphasis on children with disabilities
 - Significant funding for Lead contamination into schools

State Performance Plan/ Annual Performance Report

Bert Moore- PowerPoint Presentation

- Touch base on all indicator number and a brief description
 - Looked at meeting the targets and slippage as well
- State level determination
 - Received the highest level possible, for well over 10 consecutive years
 - Kansas continues to be strong with graduation rate 78% this year, 80% the year before, slippage occurred
 - Growth was seen in the area of children with disabilities who dropped out, scoring at basic or above on the NAEPs (National Assessment of Education Progress)
 - NAEP scores have been below the Federal Cut scores
- FFY 2020-2025
 - Talked about reaching out to different Stakeholders to receive all kinds of input for the FFY years
- Unified Licenses
 - Bring back more information on the status and programs offering the licenses

Annual Report

Bert Moore – handout

- This report goes over the prior year's activities and actions
 - Report is from July 1, 2020 to June 30, 2021
- Secretary Report
 - States how we focus on students with exceptionalities, also include students

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with giftedness.

- States how COVID had an impact on everyone involved
- Talks about the 5 meetings held and our purpose including the six key areas that were required by regulation of the IDEA and the Kansas Statutes
- Major responsibility is to provide consult and provide recommendations to KSDE regarding matters concerning Special Education services.
- Included the Council memberships, if any changes are to be made please let Bert or Kayla know
- Have added Council accomplishments, based on previous meetings
 - Includes topics and outcomes
- Please send any feedback/comments to Bert Moore, bmoore@ksde.org
 - Check spelling of gaiting
 - Justice involved in addition to incarcerated individuals
- Went through all of the priority areas and who assisted in completing those actions
- Annual Report will be sent to the Board in January

Early Childhood Least Restrictive Environment (ECLRE)

Julie Rand and Amy Rzadzczynski – PowerPoint Presentation

- Indicator 6A
 - Article from the US Department of Health and Human Services and the US Department of Education Published in 2015
 - Greater cognitive and communication development, more effective skill acquisition, increased benefits to social-emotional learning, fewer absences, higher test scores, and higher probability of employment and higher earnings- by taking a three-year-old and allowing them to participate fully with their typically developing peers
 - 2016 IDC published in collaboration with the National Center for Children and Poverty and the University of Northern Colorado
 - States that practitioners should be providing services and inclusive environments during daily routines to promote a child access and participation and learning experiences
 - Roughly 38% of preschool students receive Special Education services in an inclusive setting and nearly a ¼ of preschools special education students receive services in separate classes
 - 2017- US Department of Education office of Special Education and Rehabilitative Services
 - Emphasize the need for more efforts across states to increase the number of student of disabilities who would be served in regular early childhood settings

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- KSDE is reviewing out Early Childhood Least Restrictive Environment data
 - Exploring options to include inclusive preschool programming
 - Goals are to increase the number of preschool students with disabilities who are learning in the least restrictive environment of the general education setting and to increase the high-quality preschool for students of all abilities
- Onsite visits did not happen, but hope to get those started to view the high-quality Preschool programs
 - Did meet virtually
- 5-year old children enrolled in Kindergarten are no longer included in Indicator 6
 - Which impacted our data
- Starting helping district administrators and teaching staff service providers better understanding of how the data becomes indicator 6a or 6b
- It all starts with what is written on a child's IEP
 - Location, duration, frequency
- 2013 was the last year we met our targets for Indicator 6a: EC LRE Target
 - Target met in 2019, first year kindergarteners were removed from our data reporting
- May parents did not send their children to preschools due to COVID, so that has a impact on our data numbers. Only brought children in to receive services then taken home, not in the regular education setting
- On the national level map, Kansas has fallen on the lower end, but about in the middle
- KSDE encouraged districts to look at their data and then held zoom meetings with each district to develop a better understanding of individual district data, then got the stakeholder involved in the discussions
- State Interagency Coordinating Council (State ICC) has created a Early Childhood Least restrictive Environment Subcommittee
- Next Steps:
 - Need for more in-depth training on analyzing the indicator 6 data
 - Understanding that its not about building the classrooms as it is about how and where the special education services are being provided
- Colorado and Nebraska are double our numbers, have we compared data to see what they are doing differently
 - Colorado has a universal Pre-K
 - Funding is set up differently to provide other opportunities
 - Nebraska, we have reached out an awaiting to connect to the 19 coordinator
 - Kansas would like to connect indicator number with Colorado and Nebraska to compare strengths and weaknesses

Significant Disproportionality Discipline

Shanna Bigler – PowerPoint Presentation

- Indicator 4- suspension and expulsion

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- The data is only good as the sources of data that we get it from. Data number do not always tell the full story
- Behavioral issues in the classroom (like having a rough day) should be counted as suspensions, but are not always counted by the administrators; same with expulsion
- Graph of total enrollment of special education students by grade level from the last 5 school years
 - From preschool to kindergarten there is a drop
 - Data has dropped from 2019-2020 to 2020-2021
- Percentages of students with special education with discipline incidents by grade level
 - Hormones cause issues (middle school aged kids)
 - Teacher student efficacy is super high and a huge predictor on student success and aligns with behaviors
- Roughly 500-700 kids total in the State with discipline incidents; difference between preschool and Kindergarten with disabilities
 - Staff to student ration is higher in preschool
 - Most districts have those unified certified teachers
 - Preschool is not all day, shorter period
 - Parents pick up children early when issues arrive
 - The law does not require preschool
 - Under reporting incidents in schools

DMS 2.0

Bert Moore – PowerPoint Presentation

- This talks about how the Federal Government is going to conduct the monitoring of the states
 - Kansas has not been monitored in so long that people cannot remember really the last time that we got monitored
 - WE have met requirements for so many years that monitoring was based upon at risk assessments of those states that were not meeting requirements
 - Developed a new framework for upcoming monitoring beginning next year and the following months (18months)
- Bring back in January for more details
 - Bring back topics to SEAC aligning with the months that KSDE received any updates
- KSDE will be a part of Part B monitoring because Part C is monitored by KDHE
- Please address before January
- Have committees to meet monthly for each area
- EIS- Early Intervening Services
- MSIP- Monitoring and state improvement planning

Graduation Task Force

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Trisha Backman – PowerPoint Presentation

- 3 subcommittees
 - Additions and deletions of current requirements
 - Competency and Mastery based credits
 - Value added diplomas
- Went through all of the graduation requirement credits
 - All districts are different but only mandated to have 21 credits based on criteria
 - Each subcommittee is to break down everything and compare them to other states as well
 - Are 21 credits enough or too much?
 - Local districts have control about 21 credits
 - Writing in IEPS to only have to receive 21 even is districts require 25 credits
 - Should community involvement include community service credits?
- Volunteers to join a sub-committee to work with Trish on feedback for Graduation Task Force
 - Rebecca Schultz
 - Jennifer King
 - Marvin Miller

GED

Tobias Wood-

- GED = High School Equivalent
 - Multiple options now
- GED has 4 separate tests
 - Testing centers across the state
 - Don't need a "comfort aid"
- Kansas does not have a residency requirement
- GED does come with a cost, as well as the GED Practice Tests

State School for the Blind

Jon Harding- PowerPoint Presentation

- Funded by the KS Legislature
- Share recourses and facilities with School for the Deaf
- 50 students enrolled
- 800 students who are touched
- 1500 people who are blind or low vision in Kansas
- Pulse app
 - Collects data for Filed Services
 - Allows us to determine where we are going, who we are serving, and what skills we are teaching
- Partnered with Google on Project Guideline (mobility app) to run or walk without assistance
- Raised over \$6300 on September 15th "race day"

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- Offers a wayfinding app, to help others find their own ways
 - Step by step directions
- Challenges- asking for help from State Board
 - Teacher shortage
 - Lack of service coordination
 - Want to expand, but lack of funds
 - Parents/teams report they are unaware of services

State School for the Deaf

Luanne Barron – PowerPoint Presentation

- The original school for the deaf and hard of hearing
- 150 students
- Board of ed oversees School for the Deaf and Blind
- Dually Accredited by Conference of Educational Administrators and School Programs for the Deaf (CEASD) and The Kansas Educational Systems Accreditation (KESA)
- Language rich environment, all staff sign
- Only difference between School for deaf and School for the Blind is that we don't provide the direct services with their outreach program
- Biggest challenges:
 - No teacher prep programs
- Who holds the data on the number of students?
 - KDHE has early childhood has shared data
 - After age 3 they fall through the crack
 - KSDE had provided data on students with IEP who are deaf/hard of hearing
 - No data on the 504 plan
- Email is: lbarron@kssdb.org

KSDE Updates

Bert Moore –

- Missing students-14,000 less students enroll last year
- Over 4000 homeschooled last year
- Truancy goes through age 16, 18 for disabilities (supposed to)
 - These students may have not re-enrolled at all

Homeless/ARP Update

Tate Toedman –

- Drop in an identification of our homeless students
 - 19-20 school year-7600 kids identified
 - 20-21 School year- 5600 kids identified
 - Factors include the hybrid/remote learning and the Eviction moratorium
- First year of new 3-year grant cycle (McKinney-Vento Homeless Education act)
 - Competitive Grant

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- 12 districts received this grant
 - Renewable for two more years
- American Rescue Plan (ARP) received just over \$5million dollars
 - Hired a new staff member that will be assisting with the American Rescue Plan Homeless Children and Youth (ARP/HCY II)
 - Will be paid out in two grants
 - ARP/HCY I
 - Goes to the 12 districts that received the competitive grant
 - Received \$1 millions
 - ARP/HCY II
 - Received just over \$4 million
 - This funding is split through every district in Kansas
 - Any district that received less than \$5000 has to join a consortium, 4 set up currently
 - Hope to get the funds out in January
- Arp/HCY Funds can be used for:
 - 22 allowable activities
 - Tutoring, supplemental education services, professional development activities for homeless liaisons, transportation, early childhood programs, mentoring, shelters, etc.
 - 6 new allowed activities:
 - Wraparound services, PPE, eyeglasses, school supplies, Personal care items, transportation (including activities), communication devices and technology, short term housing (when necessary), store/debit cards (prepaid)
 - Can subcontract these funds with other community-based organizations
- Set-aside funds for homeless
 - Every district when applying for their elementary and secondary education acts funds
 - Homeless section
 - Required by law for every district to set aside funds
 - Districts under 1000 students must set aside a minimum of \$500
 - Districts above 1000 students must set aside a minimum of \$1500
 - Needs may be greater and districts may up the amounts set aside

Council Ex-Officio Member Updates

- **Families Together** – Bert for Lesli
 - Report from April 1 to September 30
 - Collecting data from the number of people that contact them
 - 1907 individualized consultations and training
 - Over 50% was providing professional assistance

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- Broken down by ethnicity and the ages
 - Majority Caucasian, then Hispanic, followed by African American
 - Majority age 6-18 (77%)
 - Autism is the primary disability
 - IEP is largest request for Contact content and support
 - Extended school year is a higher topic of interest
 - **Kansas Association of Special Education Administrators (KASEA) – Ashley Enz**
 - Staff shortages
 - Monitoring and file review processes
 - Group that prepares and watches the legislature to advocate on the behalf of students with disabilities
 - **Disability Rights Center – Mike Burgess**
 - System advocacy work with both the agencies and the legislature
 - Legislature created a 10% enhanced Fmap that goes to states for the Home and Community based services
 - About \$80 million for KDADS to use
 - Have roughly three years to spend
 - Individual case work
 - Settings Final rule public comment
 - Working with KU on transition
 - **Kansas State Board of Education (KSBOE) Update – Bert for Jim**
 - Set priorities on 11/9/2021- watch for the minutes to come out
 - Heard about:
 - The program for deaf education
 - ESSER/EANS updates
 - professional council on a person who had a felony deciding to suspend, revoke, Sanction, or do nothing

Other Updates:

Special Education Advisory Council Meeting Dates 2021-2022

January 12, 2022

1-4 PM

Virtual

January 13, 2022

7:30 AM – 3:00 PM

Virtual

April 14, 2022

9 AM – 3 PM

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In-person

Closing Comments

Have a great Holiday and we will see you at our next meeting!

Items for Next meeting

- Contact Jennifer or Bert or Kayla with any new items

Action:

Motion to Adjourn: Trish Backman

Motion seconded: Marvin Miller

Meeting adjourned: at 2:58 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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