Call to Order: at **1:00 p.m.**

**Roll Call**

Members (x present, blank absent):

| X | Jennifer King | X | Lena Kisner | X | Charity Porter |
|   | Tobias Wood   |   | Paul Buck   |   | Jessica Lopez |
| X | Marvin Miller |   | Rebecca Shultz | Barney Pontious |
|   | Troy Pitsch   |   | Sabrina Rishel | Whitney George |
| X | Jennifer Kucinski | X | Brooke Moore | X | Jose Cornejo |
|   | Jennifer Kurth |   | Chris Reffett | X | Kimberly-Interpreter |
| X | Brandon Gay   |   | Lindsay Graf | X | Teresa-Interpreter |

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

| Jim McNiece | X | Ashley Enz | Jon Harding |
| Leslie Girard | X | Luanne Barron |
| Mike Burgess | X | Idalia Shuman |

**KSDE Staff:**

| X | Bert Moore | X | Stacy Clark | Kerry Haag |
|   | Cary Rogers | X | Kayla Love | Dean Zajic |
| X | Brian Dempsey | X | Alysha Nichols | Roxanne Zillinger |

**Guests:** Wayne Ball

Quorum (11) met: **No, 7 voting members present**

**Public Comment:**

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

*Kansas leads the world in the success of each student.*
Orientation
Wayne Ball, Bert Moore, and Alysha Nichols

- From 300.167, the state must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.
- Council members are representatives of the State population demographics and composed of individuals involved in, or concerned with, the education of children and youth with disabilities. Members represent their constituents to provide guidance.
  - Kansas includes Giftedness which is reflected in SEAC.
- Kansas SEAC Membership includes:
  - Related Services, Private Schools, Local Education Officials, Homeless, Corrections – Juvenile, Corrections – Adult, Parents, General Education, Students, Other agencies, Vocational, Community, or Business, State Official, Foster Care, Institutions of Higher Education, Gifted, Administrator of Exceptional Programs, Charter Schools.
- Kansas SEAC also has Ex-Officio Members, which is optional to the state, including these organizations:
  - Parent Training and Information Center
  - Disability Rights Center
  - Kansas Senate Education Committee – Designee
  - Kansas House Education Committee Designee
  - Kansas State School for the Deaf
  - Kansas State School for the Blind
  - Kansas State Board of Education
  - Kansas Association of Special Education Administrations (KASEA)
  - Kansas National Education Association
- Special Rule 51%
  - The majority of members of the panel must be individuals with disabilities and/or parents/guardians of children with disabilities.
  - Found in 34 CFR 300.168 (b)
- Representation
  - One of the most significant contributions each council member makes is that of representing their stakeholder group. The federal regulations require that the specific stakeholders be represented by membership of the State Special Education Advisory Council. This requires that the council consider methods that can facilitate ongoing communication between council members and their stakeholder group.
- Guests
• It is important for guests and non-council individuals to have a separate seating section. This includes public commentors.

• Advisory Council Primary Role
  o Serves as advisory to the State Office of Education, Special Education Unit and/or directly to the State Commissioner or State Board of Education.
  o Advisory includes to give advice, inform, counsel, recommend, suggest, and guide.

• Exercising Advisory Responsibilities
  o Issue/Priority
  o Member Perspective/Experience
  o Stakeholder Input
    ▪ SEAC advertises the meetings in advance so stakeholders may prepare to attend and provide their input.
  o Member Discussion
  o Resource/Information
  o Objective Advice
  o Change
    ▪ Improved services for children and youth with disabilities.

• Advocacy
  o Advocacy has a place at council meetings. During discussions, members might take sides, favor a position, or support a position. However, in the final analysis, hopefully the council can come to consensus and provide meaningful advice that leads to change for children and youth with disabilities.
  o Members are allowed to represent their personal feelings but should also develop objective advice that represents their stakeholder group.

• Special Interest Advocacy
  o There are special groups in the State that are advocacy in nature:
    ▪ Protection and Advocacy
    ▪ Disability Organizations
    ▪ Professional Organizations

• Advisory Council Procedures
  o Adhere to State Open Meeting laws.
  o All advisory council meetings and agenda items must be announced far enough in advance of the meeting to afford interested parties a reasonable opportunity to attend.
    ▪ Includes minutes from previous meetings.
  o Meetings must be open to the public.
  o If possible, provide meals or refreshments at council meetings.

• Recommendations for Advisory Council

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*Kansas leads the world in the success of each student.*
Special Education Advisory Council Minutes

- Close working relationship with the State Director.
- Membership orientation.
- Understand council functions.
- Advisory, not advocacy in nature.
- Discuss current issues and trends in the field of special education.
- Priorities determined by data from State Performance Plan/Annual Performance Reports as well as State Level of Determination or Technical Assistance as determined by OSEP.
  - The State group that conducts the State Performance Plan/Annual Performance Report allows for advisory opportunities from the council on the documentation they submit to OSEP. This includes setting targets and goals for the reports created on the 17 different indicators SSP/APR has.
- Part C connection.
- Support SEA’s Improvement efforts.
- Use the established by-laws for the council operation and update them as needed.

- The Big Picture
  - SEAC covers Part B – 3-21 years.

- General Supervision – SEA Oversight
  - Components of General Supervision:
    - SPP and State Goals with Measurable Targets
    - Fiscal Management
    - Integrated On-Site & Off-Site Monitoring Activities
    - Effective Policies and Procedures
    - Timely and Accurate Data on Processes and Results
    - Improvement, Correction, Incentives, and Sanctions
- Effective Dispute Resolution
  - Targeted Technical Assistance & Professional Learning
    - New guidance will be coming out on general supervision.
    - Kansas Integrated Accountability System (KIAS)
- SPP Indicators
  - 1 – Graduation
  - 2 – Dropout
  - 3 – Assessments
  - 4 – Suspension/Expulsion
  - 5 – LRE
  - 6 – Preschool LRE
  - 7 – Preschool Outcomes
  - 8 – Parent Involvement
  - 9 – Disproportionate Representation
  - 10 – Disproportional Representation – disability category
  - 11 – Evaluation Timelines
  - 12 – Preschool Transition
  - 13 – Secondary Transition
  - 14 – Post-school Outcomes
  - 15 – Resolution Sessions
  - 16 – Mediation
  - 17 – State Systemic Improvement Plan (SSIP)
- National SEAC/ICC Website
  - https://osepideasthatwork.org/resources-grantees/sap-sicc
  - Provides access to State SEAP and ICC websites, other information/resources, announcements, and National Quarterly Webinars.
- Upcoming Meetings
  - With Tobias no longer able to serve as chair, the next meeting will focus on deciding the next steps for the position such as electing a chair and chair elect.
  - SEAC has a website located on the KSDE page.
    - https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special_Education/Special-Education-Advisory-Council
    - This includes past meeting information and minutes.
  - Members are encouraged to read the council’s bylaws by the next meeting.
- Reimbursements
  - SEAC members get reimbursed for their expenses to attend meetings. This includes hotel costs, per diem ($35 per day depending on the quarters).
  - There is a form to fill out which can be located on the KSDE website.
Special Education Advisory Council Minutes

- These forms cannot be electronically signed and must be either mailed or returned in person.

- Meeting Dates
  - 2023-2024 Meeting Dates
    - July 27, 2023 – Wichita, KS 12:00-4:00 PM
    - September 28, 2023 – Bishop Education Center (Topeka)/Zoom- 9am-3pm
    - November 30, 2023 - Bishop Education Center (Topeka)/Zoom- 9am-3pm
    - January 9, 2023 – KSDE Topeka/Zoom 1:00-3:00 PM
    - January 10, 2023 – KSDE Topeka/Zoom
      - Breakfast with the Board – 7:30 AM
      - Meeting – 9am-3pm
    - April 11, 2024 - Bishop Education Center (Topeka)/Zoom- 9am-3pm

Dyslexia
Bert Moore
- At the end of the last legislative session, there was a House bill introduced by Molly Baumgardener, a state senator, that stated dyslexia would be a state category of disability.
  - Dyslexia is already a learning disability under specific learning disability. In federal guidelines.
- KSDE has brought in Lena Kisner, representing KASEA, Melissa Sullivan, representing the Kansas Association of School Psychologists, speech pathologists, and other representatives of larger communities in Kansas for advice on how to approach this.
- KSDE decided to update the eligibility indicators.
- Previously, dyslexia was seen as a medical condition and is diagnosable by medical and clinical professionals for treatment. School professionals that perform identification of student eligibility to receive special education services do not diagnose conditions. They identify children under eligibility indicators. Eligibility also requires a need for specially designed instruction.
  - Medical professionals diagnose, school professionals identify.
- KSDE special education professionals to add a checkbox to their IEP somewhere to list Dyslexia. It will also have the related condition identifier of specific learning disability so it can be reportable when legislators request it.
  - Does not create a new state definition.
- The field identifies students as having learning disabilities with the condition of dyslexia.

DMS 2.0
Brian Dempsey
- Summary
  - 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, children with disabilities referred to and/or served under the IDEA (collectively referred to as children with disabilities).
- Differentiated Monitoring and Support (DMS)
  - The data collected will be presented to SEAC to show which indicator goals have been met or have not been met.
- KSDE is working with the National Center for Systemic Improvement (NCSI) to prepare for the phased monitoring such as a website review and mock visit.

- DMS 2.0 Framework with Evidence and Intended Outcomes
  - This framework outlines a State system that is:
    - 100% focused on improved outcomes and results for infants, toddlers, children and youth with disabilities and their families,
    - Comprised of defined components,
    - Integrated across components, and
    - Nimble enough to address emerging issues.
  - The framework outlines how all programs will be monitored on their general supervision systems.
    - General supervision encompasses the States’ responsibility to ensure that it and its subgrantees and contractors meet the requirements of IDEA which includes:
      - Improving educational results and functional outcomes for all infants, toddlers, children, and youth with disabilities; and
      - Ensuring that public agencies meet the program requirements under Part B and C of IDEA and exercise their general supervision responsibilities over the program and activities used to implement IDEA.
    - For each of the 8 components of a general supervision systems, OSEP provides:
      - A definition,
      - A series of “if/then” statements which outlines the elements OSEP thinks are necessary to achieve the intended results; and
      - A list of examples of the types of evidence that we have found helpful in understanding a State’s system within each specific component. This list is neither exhaustive nor does it mean that a State is out of compliance if it does not have a specific item.
  - Components
    - 8 Components
Fiscal Management
  “If a State has”
  - An effective management system
  - Definition: 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 Grant 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.
  “Then”
  - The State has a thorough understanding of the IDEA and cross-cutting Federal fiscal requirements.
  - The State will have internal controls in place to ensure compliance with IDEA and cross-cutting Federal fiscal requirements.
  - The State will be able to document oversight of the use of IDEA funds.
  - The State and LEA/EIS programs will use IDEA funds for their intended purposes in a manner that is reasonable, necessary, and allocable to the IDEA.
  Intended Outcome
  - An effective fiscal management system will contribute to improve outcomes for infants, toddlers, children, and youth with disabilities and their families.

Integrated Monitoring | Sustaining Compliance and Improvement
Integrated Monitoring
  “If a State has”
  - An effective integrated monitoring system
  - Definition: 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.
  “Then”
  - The State continuously examines and analyzes data across multiple sources to evaluate its performance, and that of its LEA/EIS programs for improved results and compliance.
  - The State identifies noncompliance with procedural and programmatic requirements and makes recommendations for performance improvements.
  - The State requires the LEA/EIS programs to correct identified noncompliance.
  Intended Outcome
  - 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

“If a State has”
- A system designed to sustain compliance and improvement
- Definition: a system for recognizing and improving compliance and performance including use of improvement activities, incentives, and sanctions.

“Then”
- The State uses a system of incentives and sanctions to ensure continued improvement and IDEA compliance.
- LEA/EIS programs develop and implement improvement activities and corrective actions to address areas in need of improvement and noncompliance.
- The State verifies that LEA/EIS programs have implemented improvement activities and corrected noncompliance.

Intended Outcome
- 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 | Technical Assistance and Professional Development

Dispute Resolution

“If a State has”
- An effective dispute resolution
- Definition: 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.

“Then”
- Parents and other stakeholders will be informed of their rights under the law.
- The State timely resolves disputes about IDEA procedures and the provision of FAPE in the LRE or EIS.
- LEA/EIS programs provide FAPE in the LRE/EIS to eligible infants, toddlers, children, and youth with disabilities.

Intended Outcome
- An effective dispute resolution system will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.

Technical Assistance and Personnel Development

“If a State has”
- An effective system for targeted technical assistance and professional development
- Definition: a system of technical assistance and professional development that uses data-informed root cause analysis areas to address State priorities and areas in need of improvement.

“Then”
• The State uses all available data/information to prioritize which areas need improvement.
• The state identifies TA/PD offerings that are aligned to those areas in need of improvement.
• The State prioritizes the delivery of TA/PD in those areas in need of improvement.

  ▪ Intended Outcome
    • An effective system for targeted technical assistance and professional development will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.

• Data | SPP/APR
  o Data
    • “If a State has”
      • An effective system to collect and report timely and accurate data
      • Definition: 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 reflect actual practice and performance.
    • “Then”
      • The State collects and reports valid and reliable data that are timely submitted to the Secretary and the public.
      • The State analyzes data for strategic planning and equitable allocation of resources.
      • The State uses data to support implementation of strategies that are most closely aligned to improved outcomes.
  o SPP/APR
    • “If a State has”
      • A State Performance Plan/Annual Performance Report (SPP/APR)
      • Definition: 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.
    • “Then”
      • The State executes an approvable plan that evaluates the State's efforts to implement IDEA requirements and purposes and the plan describes how the State will improve IDEA implementation.
      • The State reports annually to the Secretary on the performance of the State under the SPP/APR. The SPP/APR demonstrates the State's progress towards meeting the measurable and rigorous
targets for each indicator that have been developed with stakeholder input. The state has a plan in place to address needed improvement.

- The State will work with LEA/EIS programs to address needed improvement in those areas that are most closely related to improved outcomes.

  - Intended Outcome
    - An SPP/APR that demonstrates progress on compliance and results indicators will contribute to improved outcomes for infants, toddlers, children, and youth with disabilities and their families.

- Implementation of Procedures and Policies
  - “If a State has”
    - Effective implementation of policies and procedures
    - Definition: policies and procedures outline the goals, objectives, processes and statutory requirements of a Part B and Part C Program, that are implemented with fidelity.
  - “Then”
    - The State develops policies and procedures that are aligned with IDEA and other Federal requirements.
    - The State effectively implements its policies and procedures.
    - The State ensures that LEA/EIS programs are knowledgeable about the policies and procedures.
    - LEA/EIS programs effectively implement policies and procedures that ensure the provision of FAPE in the LRE and EIS.
  - Intended Outcome
    - Effective implementation of policies and procedures will contribute to improved outcomes for 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. Five months prior to the Phase 2 visit, OSEP will send a document request for relevant information we have not found in our initial research. Please refer to the suggested documents listed below for an initial list of the information they are seeking.
      - b. Four months prior to the Phase 2 visit, OSEP will conduct targeted 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 discussions.

- Will occur in September 2024 for Kansas.
- SEAC will become a part of this and will be notified in advance. The virtual visit includes contacting districts, parents and families, stakeholder groups, disability rights centers, etc.
- Engagement is tailored to the State and the specific gaps they may have identified by the monitoring team.
  - 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 results areas.
  - Phase 2 Engagement Monitoring Schedule
    - For Kansas
      - Cohort 2 2024-2025
      - Team C
      - KS-B – 09/2024
      - KS-C – 09/2024

- For questions, please email Brian Dempsey at bdempsey@ksde.org.

OSEP Update

Dean Zajic

- The meeting that occurred earlier this week was the first meeting where the new assistant secretary for OSERS was in attendance, Glenna Gallo. She is a former director of special education in Utah and Washington State. She was also a teacher and local special education director. She has finally been put into position after her appointment.
  - She talked about the mere urgency effect, the tendency for individuals to focus on whatever seems most time sensitive and urgent, while losing focus on long-term strategic tasks.
- There was a resource released on highly mobile student guidance.
  - This is especially geared towards supporting students with disabilities, students experiencing homelessness, migratory students, English learners, foster youth and foster care.
  - Useful for a state level and local level.
- OSERS updated their Fast Facts website.
  - The website is user friendly with a wealth of resources on the state of special education in the United States. It has their most up-to-date information on demographics, assessments, prevalence, etc.
- OSERS released a resource on reducing exclusionary discipline.
  - Well-suited for on-the-ground school professionals.
  - A collection of over 200 evidence-based resources, in multiple languages, that are easily searchable and sortable.
- OSEP Policy Letters
  - The US Department of Education has a single web page where you can search every single guidance and dear colleague letter in one place and is sorted by
year.

- On July 24th, OSEP released their state general supervision responsibilities guidance.
  - Helps direct states on DMS and overseeing education in Part B and C.
  - Supersedes 09-02. It does not radically change existing practices but clarifies and in some cases elaborates on existing law and guidance.
  - Lists requirements state education agencies will have to ensure there is a reasonably designed general supervision system established.
  - Also touches on updating guidance on timelines for considerations of identification of non-compliance and addresses non-compliance.
  - Provides guidance on correction of child-specific non-compliance.
  - Stresses that state general supervision responsibilities are not only limited to SPP/APR indicators.
  - Provides additional clarifications on what the expectations are for making levels of determination for school districts.

Council Ex-Officio Member Updates

- Kansas Association of Special Education Administrators (KASEA) – Ashley Enz
  - Over the last years, KASEA has been working on making connections with other organizations. Including this ex-officio position. Also has been inviting other organization to their conferences and attending the USA Conference. This is to increase the impact of KASEA.
  - KASEA proposed revisions to the constitution in bylaws and were unanimously approved.
  - Had added an executive director position, Ann Matthews.
  - Endorsed the concept of a statewide IEP system.
  - The Winter Conference was held in-person with great attendance. The next Winter Conference is in February.
  - Patty Carter is the chair for their legislative committee. The legislative committee did a great job communicating with KASEA and leaders in the state.
  - KASEA had a successful advocacy day to be able to share information on special education funding and ensure the state is looking at fully funding special education.
  - Goals for the next year:
    - Establishing a target date for implementing the IEP system.
      - Will help with consistent documentation, reporting, pulling the correct data, streamline communication for students going from district to district.
    - Continuing to build partnerships and make the most of the available resources.
    - Drawing people back into the field of education.
    - Have a career path for educators.
The new president this year is Lena Kisner.

- **Disability Rights Center**
  - Mike Burgess and Rocky Nichols are not in attendance.
  - The disability services waiting list is about 10-12 years. If you have a student that needs to get on the waiting list, they should be signed up in kindergarten. It is difficult to get funding and many families cannot afford the amount of care services, so it is important to get on the waiting list early.
  - Transition Councils across the state have been doing a great job.

- **Kansas State School for the Deaf** – Luanne Barron
  - The Kansas State School for the Deaf is working on putting together the language assessment program that focuses on early language acquisition.
    - This will monitor the ASL and/or English language milestones of deaf/hard of hearing children from birth to age eight.
    - Currently working on filling positions for the language assessment program with applicants that meet the requirements. Four people have been hired so far. They are currently training the language assessment professionals.
    - Currently performing language milestone reports to the legislature every year.
    - Working out the budgetary details on the language assessment programs establishing partnerships with all other organizations involved.
  - KSSD is developing a partnership with the Kansas School for the Blind. This will help get information out in the special education field on the resources, services, and programs the two schools have. This includes reaching out to parents, special education directors, etc. through letters or other messages. Many parents may not know about the resources that are available and how they can be provided.

- **KNEA** – Idalia Schuman
  - This summer, Idalia was able judge at their national conference for special needs. They assessed 35 students on researching the special needs of students with learning disabilities. Around 40 students from the state of Kansas attended the national conference. This year’s conference was in Florida and next year’s will be in Washington DC.
  - There are two regional Educators Rising Conferences coming up on November 1st. One is in Wichita at the Alvin Morris Administrative Center and the other is in Olathe at MidAmerica Nazarene University.
  - The state conference is on February 7th at Ottawa University. KNEA will need judges for student competitions; they have 22 different events.

- **KSDE** – Bert Moore
  - KSDE also uses this council as a way to collect stakeholder feedback. It is important for members to bring their perspectives.
  - KSDE is looking at the possibility of developing statewide IEP. KSDE would prefer it to be conducted internally rather than creating an RFP with an outside vendor. KSDE does not yet have an estimate on when this would be implemented. KSDE
is currently collecting stakeholder feedback.
  o Three State Board of Education members are potentially retiring when their term expires in December of 2024, which will mean three new board members in the upcoming year.

September Meeting
- We found out Tobias was resigning from SEAC on Tuesday for personal reasons. This meeting gave Marvin the opportunity to chair the meeting as chair-elect.
- In September, if Marvin wants to continue with the chair position, we can move him into the position and elect a new chair-elect. We can also elect a new chair and have Marvin remain as chair-elect. This will be decided in September on what is best.
- This meeting did not meet the quorum requirement.
- Bring topics that people discuss with you. Emotional disturbance to emotional disability is an example of a parent concern brought to council members that changed legislation.

Other Updates:

Special Education Advisory Council Meeting Dates 2023-2024
September 28, 2023
9 AM – 3 PM
Bishop Educational Center/Zoom – Lunch Provided

Closing Comments

Items for Next meeting
  • Contact Bert or Kayla with any new items.

Action:

Motion to Adjourn:

Motion seconded:

Meeting adjourned: at 4:00 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.