

**SUMMARY MINUTES ARE DRAFT UNTIL
APPROVED AT THE JULY 13TH, 2023 MEETING**



**KENTUCKY DEPARTMENT OF EDUCATION (KDE)
State Advisory Panel for Exceptional Children (SAPEC)
MEETING SUMMARY**

THURSDAY, APRIL 27, 2023

Green River Education Cooperative, Bowling Green, KY

ATTENDANCE: Brian Lovell, David Bradley, Daniel Slaton, Tiffanie Clark, April Miller, Amy Crump, Jeni Ward, Lacheena Carothers, Greta Hylton (ex-officio), Maria Kemplin, Michelle Morgan, Tal Curry.

ABSENT: Alison Imshoff, Ashley Bartlett, Christa Bell, Traci Brewer, Jeff Cole, Tal Curry, Tonika East, Melissa Farrelll, Emily Fox, Tammi Gilles, Esther Hayslett, Jason Jones, Kenton Kelsh, Britany Kleiner, Mary Lavin, Cora McNabb, Christa Payne, Tyler Reed, Jo Robinson, Katherine Sheperd, Zach Stumbo,

Agenda Item: Welcome and roll call of members. Meeting called to order at 9:56 a.m. CT, Quorum present.

Presenter: Brian Lovell, Chair

Summary of Discussion: Chair Lovell provided a welcome to open the meeting and took a roll call of members. He presented the draft agenda for the SAPEC two-day meeting and opened the floor to a general discussion of membership and attendance issues. Lovell entertained a motion to reach out to members, but to be sensitive about it as they are appointed by the governor. Motion was made by Maria Kemlin, seconded by April Miller. The motion passed without objections.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Review meeting norms

Presenter: Joe McCowan, Office of Special Education and Early Learning (OSEEL)

KDE:OSEEL:JM

April 27-28, 2023

Summary of Discussion: Joe McCowan provided a review of the norms for the meeting.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Review and approve meeting minutes.

Presenter: David Bradley motioned to approve the previous meeting minutes, Michelle Morgann seconded, and the minutes were adopted without objection.

Summary of Discussion: Joe McCowan provided a review of the norms for the meeting.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: KDE, OSEEL Updates

Presenter: Gretta Hylton, OSEEL

Summary of Discussion: - Hylton presented an overview of the structure of OSEEL. OSEEL works on data (federal reporting, disability data, etc.), policy, fiscal oversight, partnerships, advisory groups and significant disproportionately. She also updated the panel on American Rescue Plan (ARP) efforts that are Covid-relief funds that came to Kentucky. There is a sense of urgency for all students with disabilities but especially focused on early learners and those about to transition out of high school.

Alicia Reeves, KDE/OSEEL, provided an update from the Early Learning Administration at OSEEL. They looked at the environment statewide – noticed children coming into preschool are experiencing a lot of social-emotional needs and behavior issues. There is the Pyramid Model initiative supported by OSEP at national level. She shared info about coaching programs, and the Teacher Leader Community.

Hylton gave an update on “DMS 2.0.” Differentiated Monitoring and Support. This new monitoring program will focus on compliance and results, onsite and offsite, in three phases. In conjunction with OSEP, SAPEC members may have a role, as OSEP will want to interview stakeholders. SAPEC may also be asked to advise on corrective plans once a report is shared.

Result Updates:

Feedback: n/a

Follow-up Required: n/a

Agenda Item: OSEP-Funded Technical Assistance Centers

Presenter: Greta Hylton, Chris Thacker, KDE, OSEEL

Summary of Discussion: Hylton explained there was a name change from special education co-ops because there was too much confusion with other co-ops. KDE calls it the Technical Assistance Networks and there is a broad list of services offered through the portal.

Chris Thacker said that each state gets an allocation from IDEA Part B, as well as other funds. The larger amount is for ages 3-21 years old, and the bulk of the funding goes to the local district. About \$3.5 million goes to administrative purposes at OSEEL to use for staff, travel, etc. About \$18 million is set aside for other activities, including SERTACs. About \$11 million also funds Early Childhood Regional Training Centers.

Results: N/a

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Division of IDEA Implementation

Presenter: Veronica Sullivan

Summary of Discussion: Sullivan provided a brief overview that included the State Systemic Improvement Plan (SSIP) and the State Performance Plan (SPP)/Annual Performance Report (APR). The division of IDEA Implementation also provides support for Extended School Services and Gifted and Talented Education, as well as Guidance and Support (Special Ed, Post-Secondary Transition, etc.).

OSEEL has upcoming guidance and will have an autism guidance update in May. In June, there will be Individual Education Program (IEP) guidance document updates, as well as developmental delay guidance. OSEEL will solicit feedback before annual updates as well as an annual review.

Results:

Feedback: n/a

Follow-up Required: n/a

SAPEC took a brief break – returns at 11 a.m. CT.

Agenda Item: Division of IDEA Monitoring and results

Presenter: Carroll Ann Morrison

Summary of Discussion:

Morrison provided an update from SPP/APR. OSEEL submitted reports on January 1, 2023. The report helps OSEP make decisions on Kentucky's assessment. Kentucky requests a waiver and

extension request each year. Kentucky was approved in March for waiver extension. Morrison went into detail on the monitoring brief. This is the first year for Risk Focused Monitoring, and the districts are excited about this.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Early Learning Unit

Presenter: Thomas Williams, Early Learning Admin.

Summary of Discussion: Williams presented an enrollment update. Post COVID-19, preschool were down 6,000 students. During the 2022-23 school year, preschool has experienced an increase from 15,000 to 20,000 students. OSEEL are charged with making sure preschool children are supported as they emerge from COVID. Enrollment is looked at to help create a formula for district level funding. The Preschool Development Grant comes out of the Governor's Office of Early Education. Funds will assess the needs of children and families. the governor's office works well with the mixed delivery system. KDE is charged with spending \$2 million on continuing the All-Stars program. This is a quality rating system. There will also be new Preschool Partnership Grant subgrants awarded to the Governor's Office of Early Childhood (GOEC) in the amount of \$1.5 million for 10 districts for full day preschool.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Division of State Schools

Presenters: Jane Paynter, new director. Gretta Hylton presented in her absence.

Summary of Discussion: Kentucky School for the Deaf went through a major accreditation process. Celebrating 200 years of service.

Feedback: n/a

Follow-up Required: n/a

General SAPEC Discussion:

Michelle Morgan asked if there were any updates on the discrepancy model vs. Response to Intervention (RtI) and some parents feel the discrepancy model is used to keep their numbers down. There were comments made through public comment last time. There was a change in legislation this past session that went from "may" to "shall," which will have an impact on younger learners.

Associate Commissioner Hylton said that's the kind of feedback that is needed. OSEEL may have to explore if it's something that can change internally, or if regulation is needed. Communication is very difficult in this area.

Maria Kemplin shared that Emotional Behavioral Disorder (EBD) diagnosis has declined, while we have issues with social emotional issues on the rise post-pandemic.

Hylton replied that there is also an issue with behavior training – you must teach and model a certain type of behavior. Consistency for students related to the pandemic period is being looked at.

Speaking on referrals at the district level, Tiffanie Clark said her building will see referrals increase over the next little while. A lot of that is based on mindset. More training is needed in this area, and this can help determine differences between disability or lack of instruction.

Thomas Williams said 55% of preschool students have IEPs right now. Income eligible enrollment is going down, but IEP enrollment is increasing.

Chair Lovell updated the panel on plans after lunch: Melody Cooper will present after lunch, as well as SERTAC presentations. The Panel is considering realigning the SAPEC subcommittees. It hasn't worked so far, and some are too small. The Panel may want to abolish those committees—that may make other options available and can discuss it later.

Morgan shared that after reviewing the by-laws, there is some obligation to reach out to members who have not shown up in a while.

Kemplin said that there are two panel spots for adults with disabilities. If those are empty, the Panel may want to find ways to structure the meetings to address their concerns and determine if attendance can be improved.

Clark asked if barriers are identified, is there a way to make exceptions?

Lovell said it is important for every member to be able to participate. That's part of what will be discussed in the afternoon.

Hylton reminded the group that the Panel will need to consider, especially with committees, that they observe open meetings act laws. OSEEL are required to do the monitoring, but they have workforce issues that impact the process. OSEEL must continue with the monitoring to make sure everyone is doing everything they can for students with disabilities. The Panel can help us think about how to continuously improve. OSEEL are always making changes, but feedback from the Panel is very beneficial to help improve. The feedback can be used to help us all be better.

SAPEC broke for lunch – returned at 1:10 pm CT.

Agenda Item: Legislative Update

Presenter: Melody Cooper, Policy Advisor, OSEEL

Summary of Discussion: Cooper shared that the 2023 session is complete, and the next regular session will begin in January 2024. KDE has released guidance on bills that had emergency clauses that have already taken effect. Anything without emergency clause takes effect June 29, 2023 (90 days upon adjournment of the General Assembly). The Interim session begins in June. Cooper then went through a list of bills that KDE will be releasing further guidance on:

- Senate Bill (SB) 3 deals with educator liability for certified employees of school districts.
- SB 5 allows parent challenges to materials. Termed “book banning” bill in the media. Most districts already had similar policies.
- SB 7 deals with wage deduction for dues, and other fees associated with labor organizations.
- SB 9 is the anti-hazing bill, and it does impact pre-college schools as well.
- SB 25 adds work-based professional development for outside of school time.
- SB 49 deals with changes to alternative teacher certification.
- SB 70 deals with implantation of the performance based professional development pilot project. This bill was a clean-up bill.
- SB 156 deals with statewide reading research center. There will be a new Request for Proposal (RFP) for this.
- SB 107 will require senate confirmation of the education commissioner. Also limits the contracts to four years.
- SB 150 is the bill dealing with parental rights, transgender prohibitions for children services.
- SB 247 gives some stability to transient children who may be changing homes during the school year. This applies to students in K-3rd grade.
- House Bill (HB) 3 is the juvenile justice legislation, expanding services for kids while being detained. Also re-opened the facility in Jefferson County.
- HB 5 phases out the bourbon barrel taxes and will affect districts with distilleries in their region.
- Cooper also briefed SAPEC on the impacts of House Bill (HB) 13, HB 32, HB 153, and HB 244.
- HB 241 adds qualified mental health professionals as individuals who can attest to reasons for exemption from compulsory attendance due to physical or mental conditions.
- HB 319 is originally a large omnibus education bill. It was pared down, but the sponsor, Rep. James Tipton considers it a step in the right direction.
- HB 331 requires Automated External Defibrillator (AED) at schools and athletics, as funds become available. There are also requirements for emergency plans.
- HB 538 deals with discipline for students. It also clarifies that federal law prevails when it comes to students with disabilities.

Agenda Item: SERTAC Update

Presenter: Kelly Davis, Director, Green River Educational Cooperative

Summary of Discussion: - There are nine SERTACs across the state. SERTACs participate in professional development and receive funding from OSEEL for professional assistance and coaching supports that they design and provide. Each SERTAC disseminates information from KDE and other agencies to local directors and other professional administrative staff for special education programs. SERTACs also collaborate with other groups and agencies and focus on systems work. SERTACs also build member districts capacities and spend a lot of time with districts sharing why the data and reporting is important. SERTACs will work with districts on corrective action plans, if requested and they do a lot of training around Individual Education Programs (IEP) but especially around the instructional piece of the IEP implementation plan.

SERTACs have statewide task groups, like behavior, IEP and literacy, etc. – these groups meet monthly. Assistive technology group meets quarterly. Because of our new ARP transition work, there will be a post-secondary transition task group. Davis shared a list of priorities among the various SERTACs around the state. At Green River Regional Educational Cooperative, professional development is tracked, and the data is captured to improve our services and outcomes.

Chair Lovell led an open discussion about membership on the panel.

Lovell shared that part of the work of the executive committee is to work with KDE to find ways to get more members participating. The Panel did a good job of identifying priorities and made good progress last time, even with limited committee memberships. A major topic for consideration includes a different way to structure things to accomplish committee objectives, while also making sure we can accomplish what we need to do as SAPEC. One idea is to streamline the committees to make everything more accessible to the public. This raised the question of what are the barriers, transportation included?

Michelle Morgan asked about making accommodations for those with disabilities. Can we require in-person meetings, but make accommodation for those who have challenges in attending?

Hylton shared KDE's perspective, it is up to the will of the group. Requiring members to note a disability that might make attendance a challenge and might make members have to divulge more than they want.

Kemplin shared that she participates on other panels, some of which continue either hybrid or entirely virtual.

Lovell said the panel should discuss solutions for accommodations.

Tal Curry said different lawyers at different agencies can give different interpretations of laws.

Maria Kemplin said even with microphones she can barely understand, struggles to read lips. But with the technology, I can follow the closed captioning.

Lovell suggested there could be an ad hoc committee to look at ways to make the meetings more accessible, to do things like attend Curry's committee and others that are considered more disability friendly.

Kemplin stated that she questions the value of doing an ad hoc committee to discover the value of doing a hybrid option, something this committee has already done, back during the pandemic.

Crump suggested an alternative: What if you have in-person meetings, and then subcommittees all virtual?

Bradley said the panel is meeting quarterly, day and a half. Most of the committee work takes an hour to 90 minutes. "What if we took one of those days to set up times and have the meetings in consecutive fashion and take half day or full day to do just the committee meetings,

Daniel Slaton shared that multiple committee meetings are difficult to schedule, and it would be a better use of KDE staff hours to look at structuring these meetings in a new way.

Morgan asked what about breaking it up by topic instead of committee.

Crump said there would still be the option of not being at the table for every single topic.

Bradley said that of all the state panels, he thinks we should be the most inclusive because of the people we serve.

Agenda Item: Adjournment for Day 1

Ward made the motion to discuss the issue on Friday, seconded by Crump. Motion carried without objection.

SAPEC Meeting, Day 2
April 28, 2023

Meeting gaveled back in at 8:48 a.m. CT.

Agenda Item: Meeting norms. –

Presenter: Joe McCowan

Summary: McCowan presented the meeting norms to the panel.

Agenda Item: Roll Call

Presenter: Brian Lovell

Summary: Chair Lovell took roll of the panel in attendance, and Secretary Slaton noted the roll call.

In Attendance:

Crump, Curry, Miller, Bradley, Lovell, Slaton, Ward, Kemplin, Morgan, Carothers, East

Absent: Amshoff, Barlow, Brewer, Clark, Coles, Stumbo, Fox, Gileles, Hayslett, Jones, Kelsh, Kleiner, Lavin, Noel, Payne, Reed, Robinson, Shepperd-Jones,

Quorum present

Lovell asked for a motion to amend the agenda to include committee discussion. Amy Crump made the motion, and Michelle Morgan seconded. Motion passed without objections.

Agenda Item: Medicaid, Internet Issues

Presenters: Melody Cooper, Policy Advisor, OSEEL

Summary of Discussion: - Medicaid redetermination is going on now. This area, from KDE's perspective, is challenging. That has been limited in terms of contact between agencies. Families can be at risk if they can't be reached. There is a flyer available that can be shared with families and this information can be shared with the various groups. Families need to update their contact information for Medicaid – that's a big issue.

There is the Affordable Connectivity program, that's being run through Federal Communication Commission (FCC) but it is something people need to be aware of. More people probably qualify, and don't know. If income is below 200% of FPL or live with someone who receives a benefit like SNAP. Another option, if your child attends a CEP school through Title 1, if you get a letter form the school that says your child attends there, you qualify. It can be a substantial discount on the internet, or also a one-time discount on a laptop or tablet.

One of the main goals of KDE's office of Education Technology is to get equitable access for everyone. They just launched a website, working with FCC in Kentucky to make sure that the survey families need to complete is short, and OET are doing their own work to promote the program. SAPEC folder materials will be updated to include this information.

Feedback: n/a

Follow-up Required: n/a

Agenda Item: Committee Alignment, general discussion

Presenters: Brian Lovell

Summary of Discussion: During the meeting day, the panel talked about how intertwined meeting attendance is with committee work. Chair Lovell stated he would like to break off into small groups to discuss better ways to reach strategic goals. There was discussion on at least three solutions on how the panel can better organize its priorities to meet the five areas SAPEC is required to act upon.

First, how do we accomplish our priorities? Second, how do we increase membership attendance?

Feedback: n/a

Follow-up Required: n/a

SAPEC Broke for bathrooms. Followed up small group breakout sessions.

Agenda Item: Breakout Session Reports, general discussion

Presenter: SAPEC members present

Summary of Discussion:

Group Crump, Kemplin-They suggested having topic-based work instead of committees and having them be consecutive. As lists of issues and topics are compiled, SAPEC would vote on what issues to focus on. All members would have access and the capability to contribute.

Group David, Jeni Bolander – They had similar thoughts that included designated times for committee work. It was suggested that the panel might create a new SAPEC Facebook page.

SAPEC members would be asked to share the page and engage with the SAPEC constituencies. Any SAPEC members can be added as administrators. This will be key for communication and stakeholder engagement. Any products created as a panel can be shared there.

Group East, Slaton - They discussed having up to two hybrid meeting options for the four annual meetings, based on KDE's ability and cost. When there is a two-day SAPEC meeting, there should be consecutive committee meetings to avoid the need for multiple meetings that need to comply with the Open Meetings Act. Additional local agencies could be present at regional SAPEC meetings. Philanthropic and other outside organizations could be invited to present and there could be some philanthropic work with local agencies.

Bradley suggested that maybe KDE can reach out to local special education directors to gain their perspective.

Lovell added that maybe input from special needs teachers or assistants, or others might also be helpful.

Morgan asked about full attendance. Are we talking about taking away something else, or adding this on and having two long days?

East replied that it is an option to add on, maybe as optional or required. Both choices are good. If this is optional, it is difficult to follow.

Kemplin said it might be more beneficial if the panel could hear more presentations on things, we can offer advice versus an update for the past year.

Ward asked what if the panel reached out to SERTACs for example by sending the solicited topics and asking them to share with their teachers and others.

Crump said the panel needs to have on hand the data and information about identified need to help examine success.

Group Michelle/April – They suggested an action plan be created with who is responsible for follow up during each meeting.

Bradley shared that he really liked Group A's idea of having topics to report on to help focus on the issues that are most relevant to SAPEC and KDE.

Crump said that there could be a time set aside to brainstorm, but then you capture "what's the plan of action" and who is responsible, who will do what as well as figure out "what do we need for next time." The roles for the working groups need to be identified. The question was if meetings are hybrid, who will control Microsoft Teams?

East said the philanthropic element was what to bring deeper engagement from stakeholders.

Kemplin made a motion on going to all hybrid options going forward. Seconded by Carothers.

Kemplin said we know people with physical disabilities have challenges.

East said she agreed to disagree on the abrupt leaving of the meeting by members before the final vote. She said she felt singled out by another member who called and spoke to her aggressively. All the members have schedules they have to focus on, everyone has to make adjustments and commitments, but she said she does not think members need to be disrespectful to each other.

Morgan said meetings went over time, and some members had to go pick up kids. She said reaching out to members is a good start.

There was a motion that future meetings will return to a hybrid option, but SAPEC members expressed confusion about whether or not the vote was final.

There was a new motion by Maria Kemplin to have all future meetings be hybrid, and that there be a roll call vote. Second by Miller.

Roll Call: Ayes Kemplin, Ward, Slaton, Carothers, Miller, Crump, Bradley.

Nays: East

Abstain: Curry

Motion Carries.

Lovell suggested that considering the hybrid meeting option, work group suggestions may need to be revised. There are some options on here that may no longer apply. Identifying KDE selected topics is a need. Also, collecting panel members' needs for further inquiry to avoid overlap is needed.

Joe McCowan said yes, some of his colleagues assist him and they will bring additional staff, technology, etc.

Miller made the motion that committee meetings be held in consecutive fashion on the second day of the SAPEC. Second by Kemplin. Motion carried unanimously.

Crump asked if the panel has decided on whether it will be a topic-based work group?

Miller said that the motion on the table was that it be committees.

Kemplin made another motion that panel have three focus areas per meeting that members can fluidly attend, instead of five to six committee meetings.

Bradley said since they voted on a virtual option, this may change in the future.

Morgan said she agreed with David Bradley that they do need to change a bunch of variables at one time. Let's see how that works out.

Motion to change to Topic areas fails for lack of a second motion.

Kemplin asked will there be six one-hour committee meetings?

East said there are no designated time slots, and the agenda will be worked on later.

Kemplin asked if it was the intention to have six one-hour meetings?

East replied that KDE will coordinate and work with the executive committee.

Motion by Bradley for adjournment, second by Ward. Motion carries.

SAPEC adjourns at 11:29 am, April 28th, 2023.