

**SUMMARY MINUTES ARE DRAFT UNTIL  
APPROVED AT THE APRIL 27-28, 2023 MEETING**



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

**FEB. 24, 2023**

KY Transportation Cabinet

**MEMBERS PRESENT:** Alison Amshoff, David Bradley, Tiffanie Clark, Jonathan Tal Curry, Tonika East, Zachary Stumbo, Esther Hayslett, Mary Lavin, Holly Hendricks (in lieu of Cora McNabb), Michelle Morgan, Tyler Reed, Daniel Slaton and Brian Lovell (joined later in the meeting), Gretta Hylton (joined later)

**MEMBERS ABSENT:** Ashley Barlow, Christa Bell, Jeni Bolander, Traci Brewer, Lacheena Carothers, Jeffrey Coles, Amy Beth Crump, Emily Fox, Tammy Gilles, Jason Jones, Kent Kelsh, Maria Kemplin, Brittany Kleiner, April Miller, Chadwick Noel, Krista Payne, Cassie Jo Robinson.

**Summary**

**Agenda Item:** Welcome and roll call of members. Called meeting to order at 9:04 a.m. ET.

**Presenter:** Tonika East, Chairing in place of Brian Lovell.

**Summary of Discussion:** Tonika East, who was chairing, provided a welcome to open the meeting and took a roll call of members. Lovell presented the draft agenda for the SAPEC two-day meeting. Daniel Slaton was not present, so East agreed to take the minutes for the meetings. Ashley Barlow made the motion to approve the agenda, and Traci Brewer seconded the motion. The motion passed without objection.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** Review meeting norms

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

**Summary of Discussion:** Joe McCowan provided a review of the norms for the meeting. He also introduced Melody Cooper with KDE staff, new counsel to SAPEC. She also will help reach out to membership who have not been attending to gauge their interest and commitment moving

forward. Cooper consulted with the Office of Legal Services about how to proceed with members who have not been attending. There's not a lot of wiggle room since these are governor-appointed positions. KDE staff will be reviewing the appointments to see which ones are going to expire in the near future.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** Review minutes

**Presenter:** Tonika East, Chair.

**Summary of Discussion:** Tonika East presented the May minutes to SAPEC members, and asked for review and approval if no changes were needed. David Bradley noted that the minutes did not reflect his attendance at the meeting. Michele Morgan also was not listed in attendance. Daniel Slaton made the motion to approve the changes to the attendance for the May minutes. Second by Tal Curry. The motion was approved without objections.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** Public Comment

**Presenter:** Tonika East, Chair

**Summary of Discussion:** East opened the meeting to for public comment. Joe McCowan read a message submitted to the SAPEC email inbox. (See inbox for full letter). The letter, which originated from Oldham County, complained about students being stuck in “pointless” resource rooms, and that Response to Intervention (RtI) should be an option as well. This does not reflect well on schools for too many children to be determined to be disabled.

East noted that this message was similar to what was discussed with Michelle Morgan during the November meeting. The chair of the Free and Appropriate Committee, Tiffanie Clark, was sharing this email with the broader SAPEC membership, but would discuss more in depth during the committees.

The motion was made to close the public comment by Curry, second by David Bradley. The motion passed without objection.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** Legislative Update.

**Presenter:** Melody Cooper, Policy Advisor, OSEEL

**Summary of Discussion:** Melody Cooper provided an update on the legislative session. The day of the SAPEC meeting was Day 16 of the 30-day session. Cooper provided updates on many of the bills filed and or making their way through the legislative process, including House Bill (HB) 1, HB 17, HB 30, HB 32, HB 41, HB 50, Senate Bill (SB) 50, SB 5, SB 107, SB 150 and Senate Concurrent Resolution 86. Of particular interest to the committee were bills relating to school discipline, administration and tobacco or vaping policies. HB 538, a bill dealing with student removal from the classroom, was of specific interest. Michelle Morgan mentioned HB 389, the Ready to Read bill, changing the word “may” to “shall” in the law that was passed the previous session. There also was discussion on SB 150 (this was very different at this point from the final passed version of SB 150). Mary Lavin commented that the exemptions in SB 150 were very vague. Cooper noted that the bill also prohibits the Kentucky Board of Education (KBE) and KDE from offering guidance on the use of preferred pronouns for students.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** State Performance Plan/APR

**Presenter:** Carol Ann Morrison; Lauren Thieneman, Lead for SPP and Annual Performance Report (APR); Amanda Waldrop

**Summary of Discussion:**

- Lauren Thieneman provided background on what SPP and APR are and what OSEEL are required to do. She laid out what the compliance indicators are. First one looks at expulsion, Indicator 4B. Indicator 9, disproportionate representation, focuses on students being overrepresented in special needs education. Indicator 10, similar to 9, but focuses on specific disability categories. Indicator 11, Child Find, this one looks at children who are identified within 60 days. Indicator 12 looks at early childhood transition, identifies kids with Individual Education Programs (IEPs) by their 3rd birthday. Indicator 13 looks at secondary transition for kids with IEPs as they prepare to move on to post-secondary education.
- Results Indicators. We set new six-year cycle targets last year. Indicator 5 follows the amount of time students spend with their typical peers. OSEEL had slippage for children in the C category (homebound, hospital or other schools). OSEEL will have to investigate this. Indicator 6 focuses on preschool kids and the time they spend in class with typical children, and has same three subcategories. OSEEL had slippage on B category (the one for 40% of more in classroom). OSEEL investigated that, and they used to have kindergarten in this data, and they were removed so the numbers moved with them. Indicator 4A focuses on discipline and looks at discrepancies if kids with disabilities were removed for more than 10 days.
- Statewide Assessments – Indicator 3 looks at participation and performance and has subcategories that break down various proficiency rates for different categories. In 2019, Kentucky approved new standards for mathematics and reading. In 2022, this was the first full administration of KSA and new accountability system. We had to revise targets for Indicator 3. Indicator 7 is for preschool outcomes for students with disabilities, focusing on three specific areas, including social-emotional skills and others.

- There are changes to Indicator 7 that affect data collection. Indicator 8 looks at parent involvement. Indicator 1 for graduation rates. Indicator 2 looks at dropout rate. Indicator 14 focuses on post-school outcomes. When we looked at slippage on this indicator, COVID-19 had a big impact. Indicators 15 and 16, dealing with resolutions and mediations.

Amanda Waldrop

- We'll be looking at Indicator 17, and Kentucky's State Systemic Improvement Plan. Over \$2 billion was spent on school reforms, training and supporting all teachers. Fewer than 50% received some trainings, and fewer than 25% of those received supports. Outcome was that less than 10% of schools used this reform, and students were not really impacted. We look at Indicator 17 to avoid this failure of implementation. This indicator lets states choose what they want to focus on. Kentucky gathered stakeholders and looked at data across all content. Mathematics stood out in terms of need. State Identified Measurable Result (SIMR) – OSEEL are focusing on the 8th-grade level. This level is also an indicator of dropouts later. This SIMR pushes on other indicators, including graduation, dropout, others.
- OSEEL have Universal Supports: Transformation Zones available to districts and schools statewide, but this is a comprehensive program. These include some toolkits for mathematics. Others are available that are useful for any topic area. Intensive Support is another support protocol we have. Tonika East asked about the Transformation Zone, areas that are not in it yet, like west Kentucky and northern Kentucky. Veronica Sullivan explained that they have not signed on yet. There is not funding yet, so all the difficult efforts are voluntary. There are eight states in the program, and Kentucky is one of the initial participating states. Tiffanie Clark commented that we will see an impact on teachers with data over the next few years. When teachers can't leave the classroom to do trainings, it will be difficult to make any improvements that will be measurable.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** IDEA Update

**Presenter:** Linda Funke, OSEEL

**Summary of Discussion:**

- Linda Funke provided background on IDEA. IDEA sets monitoring outlines from the state and federal perspective. We were chosen by Office of Special Education Programs (OSEP) to be monitored in 2023. They are going to come in and monitor for compliance and results. They follow certain processes for conducting their research, and after the process is completed, they provide recommendations. OSEEL's job is to follow the recommendations and utilize any assistance they will offer. They try to do this monitoring every five years.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** Committee meetings.

**Presenters:** N/A

**Summary of Discussion:** The committees of SAPEC met in the room at the Kentucky Transportation Cabinet.

**Feedback:** n/a

**Follow-up Required:** n/a

Brian Lovell joined the meeting and took over as chair. After committee meetings, David Bradley made the motion that the committee break for lunch and reconvene at 1:30 p.m. Tonika East seconded the motion. Motion passed without objections.

Chair Lovell gaveled back into the SAPEC meeting at 1:31 p.m.

**Agenda Item:** Committee reports

**Presenter:** Committee chairs

**Summary of Discussion:**

**Subcommittee Reports**

Transitions Subcommittee:

Tonika East does not want to overwhelm districts, but thinks it is better to inform parents as a critical need. A lot of what was discussed was in conjunction with the Communications Committee, so there will be more information shared in their report.

Communications/Stakeholder Engagement Subcommittee:

David Bradley presented the report. A lot of our conversation was based on transition. An example: Garrard County technology presentation at the conference in the fall was very informative. Bill Bates was the KDE consultant, and Shawna Howard was the local outreach. They identified that over 70% of students with IEPs did not have plans after high school. Letcher County had groups form special ed, vocational rehabilitation. Lots of conversations and cooperation between agencies – seeing a lot of success with those programs. SAPEC would like to invite Bill Bates to give us presentations on those programs. Would be great to have them, and I think all our groups could help them. Great for them to come here and show support if they want to try and get more funding. Wanting to get more Facebook reactions, more posting. Maybe a student spotlight. Maybe a spotlight for special education teachers as well. SAPEC will coordinate with Joe McCowan on that. Instagram as well. The Communication Committee is looking to make a Google Doc that can be shared.

Free and Appropriate Education/Parent Engagement

Michelle Morgan presented the report. The Free and Appropriate Education (FAPE) Committee were tasked with letter on HB 389. The letter format was based on the letter from last year. The FAPE Committee had lots of discussion around language. The letter can be viewed in Google drive. The FAPE Committee took some definitions from 2022 SB 9. The letter says our intention is that children with IEPs get Tier 1 reading instruction in the classroom.

## Supervision and Legislative Subcommittee:

Daniel Slaton presented the legislative report. The FAPE Committee, as they indicated, is drafting the letter of endorsement for HB 389. The FAPEC Committee discussed HB 538 – the concern is that it prescribes, and gives broad authority for teachers to remove students, and three removals in 30 days means “habitual,” but that is a very broad. The bill language says a principal can permanently remove the student from the classroom. But it still has provisions that it will not run afoul of federal regulations, and specifically mentions students with disabilities.

The 12-month expulsion is tied to the physical threats. With the focus on school safety, it will be important to balance school safety and children’s needs.

There are a lot of new languages around what schooling will look like for an expelled student, including alternative programs.

The committee discussed HB 370, a tobacco bill. HB 370 makes no provisions for compliance with federal law to protect kids under IDEA. The second offence results in a suspension, and the bill does not have a due process provision for students with disabilities.

Each additional violation of the law results in a new Class A misdemeanor, and the concern is that a child with a disability may have multiple violations of this provision, and a county attorney could look on the multiple violations and send the student to juvenile justice.

SB 150 – Section 5 (a) says KDE and KBE shall not provide guidance or policy on the preferred pronouns or keep information private from parents. Under the bill a teacher does not have to use preferred pronouns even if the child’s parents consent to it and request that the teacher use them. Concerns are that this legislation could lead to more disruptive behavior on the part of children targeted by this bill. There is also some language about unaltered birth certificates.

**Agenda Item:** Update on Grant Application, other issues

**Presenter:** Gretta Hylton, Deputy Commissioner, KDE

### **Summary of Discussion:**

Gretta Hylton walked through the update on the grant mentioned in a letter SAPEC submitted in support of the application and included the grant proposal update from federal Education. OSEEL has had a State Personnel Development Grant (SPDG) since the early 1990s, and this currently includes a no-cost extension. New forms are very heavily focused on Birth-3. OSEEL thought that might be the end of a long run. The United States Department of Education (US ED) shared that they had new priorities for 3-21. Transitions are a huge priority for the US ED, for OSEEL and for this panel. When OSEEL had federal rescue funds and relief funds, OSEEL knew our kids were disproportionately impacted by the pandemic. OSEEL decided to put our funding on students who were going to age out of our programs, and that’s a lot of where the efforts David Bradley mentioned, the efforts with Bill Bates. Bates is a special educator, and he’s a CTE guy. He can work on the ground with students, and then he can come to us and explain what business is thinking about out in the community. We have grants, about \$2,500 each, for helping get children to graduate. Funded again this year, and we could use SAPEC to help with this. Funding for so many of our projects will expire in 2024 when current ARP, etc funding goes away. Federal funding of IDEA is at about 13% right now. States and districts are all

underfunded. The needs of students are not decreasing. As children and everyone leaves COVID-19 behind, how do we do our best to help every child who suffered.

**Agenda Item:** Discussion of 2023 meeting schedule

**Presenter:** Brian Lovell, Chair.

**Summary of Discussion:** Options for regions and dates for the rest of the 2023 SAPEC meetings were discussed.

Tonika East made a motion for a SAPEC meeting for April 27-28th in Bowling Green. Tal Curry seconded, and the motion carried without objections.

For July, Daniel Slaton made the motion to meet on July 13-14 in London. David Bradley seconded. The motion carried, but members Tal Curry and East voted no.

David Bradley motioned to hold the October meeting on Oct. 19-20 in Hazard. Tonika East seconded, the motion carried without objections.

**Feedback:** n/a

**Follow-up Required:** n/a

**Agenda Item:** Adjournment

**Presenter:** Brian Lovell, Chair.

**Summary of Discussion:** David Bradley motioned to adjourn, seconded by Michelle Morgan. Motion carried, and SAPEC adjourned at 2:50 p.m.

**Feedback:** n/a

**Follow-up Required:** n/a