

SPECIAL EDUCATION ADVISORY COUNCIL

Draft MINUTES



Details

Date April 11, 2024

Time 9:00 a.m. – 3:00 p.m.

Location: Bishop Education Center- Topeka, KS/Zoom

Call to Order: at 9:03 a.m.

Roll Call

Members (x present, blank absent):

X	Jennifer King	X	Lena Kisner		Charity Porter
X	Marvin Miller	x	Rebecca Shultz	x	Jessica Lopez
x	Troy Pitsch	x	Sabrina Rishel	x	Roxanne Zillinger
X	Jennifer Kucinski		Brooke Moore	x	Sean Smith
x	Jennifer Kurth		Chris Reffett		
	Brandon Gay	X	Lindsey Graf	x	Interpreter
X	Whitney George		Jose Cornejo	x	Interpreter

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

	Jim McNiece	x	Ashley Enz		Jon Harding
x	Leia Holley		Luanne Barron		
X	Mike Burgess	x	Idalia Shuman		

KSDE Staff:

x	Bert Moore		Stacy Clark	x	Joyce Broils
	Cary Rogers		Deborah Newby	x	Dean Zajic
x	Brian Dempsey	x	Alysha Nichols		Crista Grimwood
	Maureen Tabasko	x	Trish Backman	X	Steve Backman

Guests: Michelle Heiman, Three Lakes Co-Op; Shane Carter, Kansas Department of Education, Teacher Licensure

Quorum (9) met: Yes, 13 voting members present

Kansas leads the world in the success of each student.



Agenda Approval: April 11, 2024

Motion to approve: Lena Kisner

Second: Jennifer King

Action: Approved

Minutes Approval: January 24, 2024

Motion to approve: Lindsey Graf

Second: Lena Kisner

Action: Approved

Federal Fiscal Year 2022

School Performance Plan/Annual Performance Review

Brian Dempsey and Bert Moore

- SPP/APR Indicators
 - Indicator 1: Graduation
 - Indicator 2: Drop out
 - Indicator 3A: Participation for Students with Individual Education Plans (IEPs)
 - Indicator 3B: Participation for Students with IEPs (Grade Level Academic Achievement Standards)
 - Indicator 3C: Proficiency for Students with IEPs (Alternate Academic Achievement Standards)
 - Indicator 3D: Gap in Proficiency Rates (Grade Level Academic Achievement Standards)
 - Indicator 4A: Suspension/Expulsion
 - Indicator 4B: Suspension/Expulsion by Race/Ethnicity
 - Indicator 5: Education Environments (5-year-old kindergarteners to age 21)
 - Indicator 6: Preschool Environments
 - Indicator 7: Preschool Outcomes
 - Indicator 8: Parent Involvement
 - Indicator 9: Disproportionate Representation
 - Indicator 10: Disproportionate Representation in Specific Disability Categories
 - Indicator 11: Child Find
 - Indicator 12: Early Childhood Transition
 - Indicator 13: Secondary Transition
 - Indicator 14: Post-School Outcomes
 - Indicator 15: Resolution Sessions
 - Indicator 16: Mediation



- Indicator 17: State Systemic Improvement Plan
- Comments
 - Marvin Miller: I believe this came up in the January Special Education Task Force. Comments about how this data is displayed as it was confusing to a number of people. Has that been worked on since then?
 - Bert Moore: I don't believe so. Once these reports are finalized, we have 120 days to make it available to the public, and the expanded reports I don't believe are made public. I am unsure which report they referenced.
 - Lena Kisner: From what I remember it is not that they couldn't find the information it is that they did not understand the language and that it meant that we were compliant. So, I am not sure if just simplifying the language would be enough.
 - Bert Moore: We can see what we can do to help individuals reading the reports to better understand

Differentiated Monitoring and Support (DMS 2.0)

Brian Dempsey

- Summary: In 2016, the Office of Special Education Programs (OSEP) began providing differentiated monitoring and support to States as part of its Results Driven Accountability (RDA) system under Parts B and C of the Individuals with Disabilities Education 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)
- 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
 - This Framework outlines how all programs will be monitored on their general supervision systems
 - General supervision encompasses the State's 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 general supervisions system, OSEP provides:
 - A definition.
 - A series of “if/then” statements which outlines the elements OSEP thinks is 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 the 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
 - Fiscal Management
 - Integrated Monitoring
 - Sustaining Compliance and Improvement
 - Dispute Resolution
 - Technical Assistance and Professional Development
 - Data
 - SPP/APR
 - Implementation of Policies and Procedures
- Fiscal Management
 - If a state has
 - An effective fiscal 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 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.
 - Examples of evidence
 - Policies and procedures
 - (manuals, user guides for applicable requirements



- and key Part B and Part C fiscal processes), as well as description the State's general supervision system.
- Information on State structure (e.g., budget office and program office; interagency agreements; examples of contracts; organizational charts)
- Description of Educational Service Agencies/regional Part C structures roles/responsibilities for fiscal requirements
- Data systems used by the State, with specific reference to data sources relevant to fiscal processes and oversight
- Description of fiscal Targeted Assistance accessed by the State
- Yearly timeline for reviewing data sources, calculating, and issuing IDEA allocations, release of funds, and reallocation considerations
- Then the State will have internal controls in place to ensure compliance with IDEA and cross cutting Federal Fiscal requirements
 - Examples of evidence:
 - Organizational charts
 - Documentation related to the SEA/LA's allocation of funding, including IDEA Part B/C funds, to its LEA/EIS programs and providers
 - Risk assessment policies and procedures, calculations of risk, rubrics related to the assignment of risk categories, including LEA/EIS programs that do not meet audit thresholds, related to monitoring processes, as appropriate.
 - Budget and expenditure data for a particular year for the purpose of calculating MOE/MFS.
 - PART C: Example(s) of agreement(s) with EIS programs/providers/ vendors/agencies providing Part C EIS
 - List of SEA's single audit findings for the past 3 years, with status report on any unresolved findings
 - Oversight Agency Reports (ex: Legislative review, OIG, policy groups, State task force) of SEA/LA internal processes
- Then the State will be able to document oversight of the use of IDEA funds



- Examples of Evidence:
 - Example of reports from data system for accuracy of billing, payments etc.
 - Fiscal monitoring reports
 - Part B interactive spreadsheets
 - Part C budgets
 - PART C: System of payments implementation – payor source, ability to pay, access to insurance, interim payments etc.
 - Notifications to LEA/EIS programs of upcoming fiscal monitoring activities
 - Description of procedures for resolving IDEA-related single audit and monitoring findings for LEA/EIS programs
 - List and documentation of IDEA-related single audit findings/corrective actions and fiscal monitoring findings/corrective actions for LEA/EIS programs
 - Fiscal monitoring protocols
 - PART B: List of charter school LEAs that opened/closed/significantly expanded/changed status
 - Policies and procedures reflecting the SEA/LA's standards for correcting fiscal noncompliance
 - PART C: The State's Method to ensure the provision of, and financial responsibility, Part C Services (Draft or Final), if applicable
 - Policies and procedures related to parental notification/consent provisions for (Public/Private) Insurance
 - Sample State consent forms related to access to (Public/Private) Insurance
 - Fiscal data system procedures/screenshots, demonstrating the system's capacity for oversight of funds for the Part B/Part C programs
 - PART B: Sample calculations and budget documents for determining the maximum amount of funds available for voluntary CEIS
- Then 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
 - Examples of Evidence:
 - Documentation supporting State's implementation of



- its procedures for the timely disbursement/
reimbursement of IDEA funds
- Documentation related to compliance with cost principles of subpart E of the Uniform Guidance
- Fiscal monitoring reports that include findings, documentation supporting corrective action, and closeout reporting
- Documentation demonstrating the implementation of the Method if applicable (e.g., documentation/State forms related to the use of funds to support staff/activities described in the State's Method and SOP procedures)
- Information memos, guidance documents, and training/professional development agendas to LEA/EIS programs on topics related to IDEA, EDGAR, and Uniform Guidance fiscal requirements, annual applications/plans, budgets, fiscal monitoring and enforcement, reallocation of funds and other topics as identified
- Intended Outcome
 - An effective fiscal management system will contribute to improved outcomes for infants, toddlers, children and youth with disabilities and their families.
- Integrated Monitoring: Sustaining Compliance and Improvement
 - If the 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.
 - Examples of Evidence:
 - Monitoring policies/procedures
 - ○ Self-assessments (State-level or LEA/EIS programs)
 - Timeline for monitoring
 - Criteria for identifying LEA/EIS programs for monitoring
 - Description of how the State analyzes data for CWD and all



- students
 - Additional data sources they are using (IDEA/ESEA)
 - Documentation of Stakeholder engagement activities and work
 - Evidence of State cross analysis of different factors and data points that contribute to identified issues
- Then The State identifies noncompliance with procedural and programmatic requirements and makes recommendations for performance improvements.
 - Examples of Evidence
 - Monitoring reports with findings
 - Description of processes in manual
 - Tools to conduct monitoring
 - Training of LEA/EIS programs
 - Examples of improvement plans
 - Description of Stakeholder engagement and activities related to compliance and performance improvement
- Then The State requires the LEA/EIS programs to correct identified noncompliance.
 - Examples of Evidence
 - Root cause analysis to identify what is behind the performance data
 - Evidence of TA provided and outcomes as a result of the TA provided
 - Documentation of what corrective actions were required and/or improvement plans
- Intended outcome
 - An effective integrated monitoring system will contribute to improved outcomes for infants, toddlers, children and youth with disabilities and their families.
- 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.
 - Examples of Evidence
 - Evidence of a general supervision system which includes a defined system of incentives and sanctions for compliance with IDEA



- Documentation of enforcement policies that explain the consequences of violating regulations, policies, and procedures.
- Policies related to Incentives for improved performance and compliance
- Written State monitoring procedures
- Sample of corrective action (reports and timelines)
- Valid and reliable data on State monitoring of LEA/EIS programs
- Then LEA/EIS programs develop and implement improvement activities and corrective actions to address areas in need of improvement and noncompliance.
 - Examples of Evidence
 - LEA and EIS procedural manuals including at a minimum; methods for determining non-compliance, steps-to-correct, timelines, sanctions and incentives
 - Evidence of the implementation and evaluation of improvement activities, and how stakeholders are involved
 - Verification of correction of systemic and individual noncompliance
 - Evidence State collects and reviews LEA/EIS program tracking mechanisms for noncompliance
 - Audit reports
 - Sample of Corrective Actions (reports and timelines)
- Then The State verifies that LEA/EIS programs have implemented improvement activities and corrected noncompliance.
 - Examples of Evidence
 - Verification of the correction of systemic and individual noncompliance
 - Records of enforcement actions taken against LEA/EIS programs
 - Records of technical assistance provided to LEA/EIS programs related to noncompliance and program improvement
 - Tracking noncompliance (statistics, frequency, areas of need)
 - Samples of LEA/EIS program documents or compliance reports
 - Close out reports, evidence of correction
 - Revised policies and procedures, if applicable
 - Evidence of the Implementation of the revised policies and



- procedures
- Evidence of change in practices from attendees of trainings
- Updated data showing improvement
- 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
 - If a state has a dispute resolution system
 - 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.
 - Examples of Evidence
 - Procedural safeguards notice (dispute resolution components)
 - Evidence of receipt of Procedural Safeguards (signature page, file review during monitoring)
 - Model forms for State complaints and due process
 - Review of communication to MSIP Customer service
 - News articles or pending lawsuits
 - State websites for access to forms and safeguards
 - LEA/EIS program examples of model forms
 - Policies and procedures regarding timing of safeguards, use of model forms, and information required in State complaints and hearing notices
 - Information on requesting mediation (info in notice, website, etc.)
 - Evidence of availability of hearing decisions to SAP/ICC and/or public
 - Then The State timely resolves disputes about IDEA procedures and the provision of FAPE in the LRE or EIS.
 - Examples of Evidence
 - Section 618 data
 - Evidence of hearing officer's decisions, state complaint actions, mediation agreements
 - Evidence of training provided to hearing officers and mediators
 - Description of how the Due Process System is established in the State



- Part C programs – policies and procedures for Part C due process hearing procedures or adoption of Part B hearing procedures
- Documentation that appeals rights are included in hearing decisions
- Tracking documents for Dispute resolution systems (State Complaint, Due Process and mediation)
- Policies around timelines
- Then LEA/EIS programs provide FAPE in the LRE/EIS to eligible infants, toddlers, children and youth with disabilities.
 - Examples of Evidence
 - Timely Correction of noncompliance (individual and systemic)
 - Evidence of implementation of remedies ordered by hearing officer or State (compensatory services, monetary reimbursement, IEP/IFSP Team meetings)
 - Evidence of technical assistance
 - Review any Memorandums of agreements or contracts with the entity responsible for conducting the hearings
 - Any supplemental guides or Q & A Documents the States have developed to provide guidance to their Stakeholders related to Dispute Resolution activities
 - Intended Outcomes
 - An effective dispute resolution system will contribute to improved outcomes for infants, toddlers, children and youth with disabilities and their families.
- Technical Assistance and Professional 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 States uses all available data/information to prioritize which areas need improvement.
 - Examples of Evidence
 - Tools/ mechanisms to collect data that would inform targeted TA or identified area(s) for improvement
 - Evidence of how the State is triangulating or analyzing their data.
 - Monitoring reports
 - 616/618 Data Reports



- Description of State TA/PD activities within the State
- Description of how the State identifies the types of TA/PD activities they provide
- Outline of stakeholder's involvement in development of TA/PD activities
- Then The State identifies TA/PD offerings that are aligned to those areas in need of improvement.
 - Examples of evidence
 - Evidence of dissemination and communication of available TA/PD
 - Description of State's analysis of data to inform TA/PD activities
- Then The State prioritizes the delivery of TA/PD in those areas in need of improvement.
 - Examples of Evidence
 - State level or LEA/EIS program best practices for implementing IDEA.
 - Description of the delivery method of the TA/PD activities the State are developing and implementing
 - Review the State's description of TA/PD in the SPP/APR introduction
 - Evidence of alignment with other programs/initiatives (e.g. SPDG) (e.g., meeting notes, agendas, etc.)
 - Evidence of stakeholder involvement in identifying needs on TA/PD activities
- 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
 - 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 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.



- Examples of Evidence
 - Description of data collection system(s)
 - Reports/Screen Shots of data systems
 - Walk through demonstration of data system
 - Documentation of Data governance requirements
 - Manuals or evidence reflecting the Edit Checks/Business Rules within their data system
 - Data manuals
 - Description of data process/oversight
 - Organizational Chart related to data and roles and responsibilities
 - TA/PA trainings for data users
 - ED Facts Data Quality Reports
 - APR Data Matrix
 - Data sharing agreements
 - Public Reporting
 - Evidence of meaningful stakeholder involvement
 - Evidence that the State has a system to ensure protection of personally identifiable data
- Then The State analyzes data for strategic planning and equitable allocation of resources.
 - Examples of Evidence
 - Schedule/Timeline for examining LEA/EIS program data
 - Guidelines for using data to inform monitoring/TA
 - Evidence that the State uses its data systems to plan for new initiatives
 - Evidence that the State compiles and integrates data across systems and uses the data to inform and focus its improvement activities
 - Models for root cause analysis
 - Evidence of how root cause analysis is used
 - Process for making data informed decisions at the State level
 - Guidance and/or training to LEA/EIS programs to use data to inform decision making
 - Training and guidance for LEA/EIS programs on how to analyze data.
 - Evidence such as a data sharing agreement, MOU, or information attained during OSEP interviews that State level Part C and Part B 619 staff regularly communicate about outcomes data issues



- Then The State uses data to support implementation of strategies that are most closely aligned to improved outcomes.
 - Examples of Evidence
 - Timeline of data pulls for implementation of strategies
 - Documentation of analysis of data trends
 - Evidence that the State supports a data driven culture at the LEA/EIS program level to ensure LEA/EIS programs carry out evidence-based practices with fidelity (e.g. trainings, user manuals, guidance etc.)
 - Identification of high and low performing LEA/EIS programs based on data
 - Evidence of identification of best practices through the use of data
 - Additional sources of data beyond 616 and 618 data at both State and LEA/EIS program level
 - Evidence that the State uses its data systems (e.g., monitoring, self- assessment, database, due process, and State complaints) to improve program and systems operations
 - Evidence that outcomes data within longitudinal data systems are analyzed and used for improving the programs
 - Intended Outcome
 - An effective system to collect and report timely and accurate data will contribute to improved outcomes for infants, toddlers, children and youth with disabilities and their families.
- 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.
 - Examples of Evidence
 - An approved SPP/APR
 - Policies and procedures around the SPP/APR
 - Evidence of stakeholder input in the development and the implementation of the SPP/APR
 - Then 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.

- Examples of Evidence
 - SPP/APR
 - Improvement activities
 - Cross indicator analysis
 - Reasons for slippage
 - Plans in place to address slippage
 - Policies and procedures around data submission
 - Valid and reliable data
- Then The State will work with LEA/EIS programs to address needed improvement, in those areas that are most closely related to improved outcomes.
 - Examples of Evidence
 - Public Reporting
 - Training to LEA/EIS programs on Indicator Analysis and Evaluation
 - Policies and procedures around data submission
 - Valid and reliable data
 - 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 Polices and Procedures
 - 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, which are implemented with fidelity.
 - Then The State develops policies and procedures that are aligned with IDEA and other Federal requirements.
 - Examples of Evidence
 - Annual IDEA Grant Application
 - Evidence of systematic and periodic review of implementation of specific policies and procedures
 - Evidence of policies and procedures being publicly available
 - Evidence of accessible policies and procedures on State's Website
 - Review of communication to MSIP Customer service
 - Then The State effectively implements its policies and procedures.
 - Examples of Evidence



- Evidence of LEA/EIS program implementation of the State's policies and procedures
- LEA/EIS program websites demonstrating consistency with State policies and procedures related to IDEA
- The State monitoring reports of LEA/EIS programs on implementation of State policies and procedures
- Evidence of periodic review of LEA/EIS program policies and procedures
- Then The State ensures that LEA/EIS programs are knowledgeable about the policies and procedures.
 - Examples of Evidence
 - Evidence of dissemination of State policies and procedures
 - Evidence of State TA/PA related to implementation of policies and procedures to its LEA/EIS programs
 - Documentation of the State process for identifying barriers to LEA/EIS program implementation through root cause analysis
 - Documentation of what LEA/EIS program corrective actions were required and/or improvement plans, if applicable
 - Evidence of meaningful stakeholder engagement during implementation, and evaluation of LEA/EIS program policies and procedures
 - Then LEA/EIS programs effectively implement policies and procedures that ensure the provision of FAPE in the LRE and EIS.
 - Examples of Evidence
 - Samples of LEA/EIS program policies and procedures
 - Sample documents (largest LEA/EIS programs, Redacted documents such as IEP/IFSPs, to verify implementation/compliance)
 - Evidence of LEA/EIS program methods for identifying noncompliance
 - Examples of LEA/EIS program improvement plans
 - 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.) 5 months prior to the Phase 2 visit OSEP will send a document request for relevant information we have found in our initial research. Please refer to the suggested documents listed below for an initial list of the information we are seeking
 - This occurred April 10, 2024
 - Have until May 10, 2024, to be turned in
- B.) 4 months prior to the Phase 2 visit OSEP will conduct targeted interviews with State staff on the component-specific protocols
 - July 9th and 10th 2024 there will be mock interviews within the Special Education and Title Services Team.
- 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 visit/virtual visit focusing on the issues that require further exploration, deeper looks or additional discussions
 - Currently scheduled for Labor Day week. Could possibly reschedule by a week or more because of the holiday
- 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
 - Findings are supposed to be out within 90 days
- SEAC Responsibilities
 - Council responsibilities under the regulations implementing Part B of the individuals with Disabilities Education Act (IDEA) and the state statute include:
 - The State advisory panel must-
 - Advise the SEA and State Board of unmet needs within the State in the education of children with exceptionalities
 - Comment publicly on any rules or regulations proposed by the State, including those proposed by the State Board, regarding the education of children with exceptionalities
 - Advise the SEA and State Board in developing evaluations and reporting on data to the Secretary under section 618 of the Act.
 - Advise the SEA and State Board in developing corrective action plans to address finding identified in federal monitoring reports under Part B of the Act; and
 - Advise the SEA and State Board in developing and implementing policies relating to the coordination of services for children with exceptionalities
- SEAC Responsibilities Continued



- One of the major functions of the Advisory Council is to serve as a liaison between the statewide populace and the Kansas State Board of Education. Citizens of Kansas are encouraged to communicate with the Council. This may be accomplished through contact with any Council member or the Secretary of the Council. Local education agency personnel, school patrons, students, lay community persons, private sector, public and private agencies, and educators at all levels are encouraged to submit relevant issues, questions, and problems to the Council for consideration and action
- Fulfillment of state and federal regulations may require Council membership involvement in the following activities:
 - Providing advice and recommendations regarding the preparation and administration of the state eligibility document.
 - Providing recommendations/testimony regarding special education regulations revisions.
 - Presenting to the Kansas State Board of Education, recommendations and/or testimony regarding special education regulations or issues impacting special education programs
 - Developing recommendations concerning issues related to special education services
 - Obtaining information from constituencies regarding issues before the Council and under consideration by the State Board; and
 - Developing materials and/or resources addressing special education issues in the state
 - May need to have a panel meeting the week of September 3rd, 2024, so OSEP may have a chance to meet with the entire counsel

Indicator 18 – General Supervision

Brian Dempsey

Bert Moore

- Data Source and Measurement
 - Data Source: The State must include findings from data collected through all components of the State's general supervision system that are used to identify noncompliance. This includes but is not limited to, information collected through State monitoring, State database/data system, dispute resolution, and fiscal management systems as well as other mechanisms through which noncompliance is identified by the State. Provide the actual numbers used in the calculation. Include all findings of noncompliance regardless of the specific type and extent of noncompliance



- Measurement: This SPP/APR indicator requires the reporting on the percent of findings of noncompliance corrected within on year of identification:
 - (a) number of findings of noncompliance issued the prior Federal Fiscal Year (FFY)
 - E.g., for the FFY 2023 submission, use FFY 2022 (July 1, 2022-June 30, 2023)
 - (b) number of findings of noncompliance the state verified were corrected no later than one year after the State's written notification of findings of noncompliance
 - Percent = [(b)/(a)] x 100
- Instructions for Indicator Measurement
 - This SPP/APR indicator focuses on the State's exercise of its general supervision responsibility to monitor its local education agencies (LEAs) for requirements under Part B of the Individuals with Disabilities Education Act (IDEA) through the State's reporting on timely correction of noncompliance (20 U.S.S. 1412 (a)(11) and 1416(b); and 34 C.F.R. §§300.149, 300.600). The state must provide baseline data expressed as a percentage. OSEP assumes that the State's FFY 2023 data for this indicator is the State's baseline data unless the State provides and explanation for using other baseline data.
 - Targets must be 100%
 - Report in Column A the total number of findings of noncompliance made in FFY 2022 (July 1, 2022 until June 30, 2023) and report in Column B the number of findings which were timely corrected, as soon as possible and in no case later than one year after the State's written notification of noncompliance.
 - Starting with the *FFY 2023 SPP/APR*, States will be required to report on the correction of noncompliance related to *compliance indicators* 4B, 9, 10, 11, 12, and 13 based on findings issued in FFY 2022. Under each compliance indicator, States report on the correction of noncompliance for that specific indicator. However, in this general supervision Indicator 18, States report on both those findings as well as any additional findings that the State issued related to that compliance indicator.
 - In the last row of this General Supervision Data Table, States *may* also provide additional information related to other findings of noncompliance that are *not specific to the compliance indicators*. This row would include reporting on all other findings of noncompliance that were not reported by the State under the



compliance indicators (e.g., Results indicators, including related requirements, Fiscal, Dispute Resolution, etc.). *In future years* (e.g., with the FFY 2026 SPP/APR), States may be required to further disaggregate findings by *results indicators* (1, 2, 3, 4A, 5, 6, 7, 8, 14, 15, 16, and 17), fiscal and other areas.

- Instructions for Indicator Measurements.
 - If the State did not ensure timely correction of previous findings of noncompliance, provide information on the nature of any continuing noncompliance and the actions that have been taken, or will be taken, to ensure the subsequent correction of the outstanding noncompliance, to address areas in need of improvement, and any sanctions or enforcement actions used, as necessary and consistent with IDEA's enforcement provisions, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), and State rules.

Future Meeting Dates

- KSDE SETS Leadership Conference is not in July like it has been in the past, it is June 26th and 27th, 2024, in Wichita Kansas at the Hyatt Regency
 - All SEAC members are invited to attend
 - Please see Joyce for registration details
- All meetings will be held at the Landon State Office Building in Room 509 and attendance will also be available virtually via Zoom
 - Wednesday, July 24, 2024
 - Wednesday, September 25, 2024
 - Possibly on site at KSSD/KSSB
 - Thursday, November 20, 2024
 - Tuesday, January 14, 2025
 - Wednesday, January 15, 2025
 - Wednesday, April 9, 2025

SEAC Licensure Request

Shane Carter

Indicator 4: Suspension/Expulsion

Methodology for Determining Significant Discrepancy

Brian Dempsey

- Indicator 4A and 4B
 - Rates of Suspension and expulsion:
 - A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school



- year for children with IEPs; and
 - B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
- Methodology for Determining Significant Disproportionality
 - KSDE performs an analysis of aggregated data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of all children with disabilities among Local Education Agencies (LEAs) in the state.
 - For each LEA that meets the minimum n-size and cell size thresholds, the KSDE compares the long-term suspension and expulsion of students with disabilities of the LEA to the mean of the state's rate of long-term suspensions and expulsions for children with disabilities to set the suspension/expulsion-rate bar.
 - Minimum Cell Size = 0
 - Minimum N-Size: 30
 - Annually, the KSDE shall determine a significant discrepancy threshold by multiplying the average of the state's rate of long-term suspensions and expulsions for children with disabilities by 3.0. Any LEA that exceeds the annually calculated threshold shall be identified as significantly discrepant.
- SY 22-23 Update – Timeline
 - February 16, 2024
 - Indicator 4 notices for districts to conduct a Policy, Procedure and Practice (PPP) self-assessment for SY22-23 PPPS
 - Provide selected student documentation to KSDE if indicated in the notification letter
 - May 17, 2024
 - Data Collection
 - District PPP Self-Assessment due to KSDE
 - June 28, 2024
 - Data Verification
 - KSDE will review district submitted documentation, which may include additional documentation requested by KSDE from the district
 - July 5, 2024



- Compliance Notification
- KSDE notifies districts of compliance or non-compliance
- August 30, 2024
 - KSDE approve District Corrective Action Plan (DCAP) for districts identified as non-compliant.
- September 16, 2024
 - KSDE approve Individual Corrective Action Plan (ICA) for district student files identified as noncompliant.
- December 20, 2024
 - KSDE will review updated data
- December 31, 2024
 - Districts will be notified of compliance or continued non-compliance

Open Borders/Enrollment

Bert Moore

Legislative Summary

Dr. Frank Harwood

Virtual Programs and SWD's

Lena Kisner

Brian Dempsey

SEAC 2nd Term Applications and Motion

Marvin Miller

Discussion: Approval Whitney George, Lena Kisner and Rebecca Schultz, to be appointed to second terms

Motion to approve:

Second:

Action: Approved

SEAC Chair Elect Nomination and Motion

Marvin Miller

Discussion to appoint Lena Kisner as Chair-Elect

Motion to approve:

Second:



Action: Approved

Ex-Officio Member Reports

- Families Together – Leia Holley
- Kansas Association of Special Education Administrators (KASEA) – Ashley Enz
- Disability Rights Center – Mike Burgess
- Kansas State Board of Education
 - No Report
- Kansas State School for the Blind – Jon Harding
 - No report
- Kansas State School for the Deaf – Luanne Barron
 - No Report
- Kansas National Education Association – Idalia Shuman
 - No report

Other Updates:

Closing Comments

Meeting adjourned: at **__2:16__ 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.