

**STATE ADVISORY PANEL FOR EXCEPTIONAL CHILDREN**

**March 30, 2017**

**Quest Conference and Business Center**

Agenda Item	Discussion/Recommendations	Next Steps
<b>Call to Order</b>	Bill Bauer, Chairperson, called the meeting to order.	
<b>Roll Call</b>	Absent: Jamie Davis, Christina Even, Kathy Hall, Kimberly Hauck, Tony Huff, Jennifer Kirby, Jennifer Kobel, Valerie Leach, Vicki Palur, and Myrrha Satow.	
<b>Introduction of Guests, Visitors and New Members</b>	Visitor: Kris Nign and Mariah Rossiter.	
<b>Panel Business Approval of March 17, 2016 SAPEC Minutes</b>	A motion was called to approve the December 1, 2016 minutes. Tom Ash motioned to approve, Tony Cochren seconded. There was no discussion. Minutes were approved.	Meeting minutes will be posted to the ODE website.
<b>Public Comment</b>	There were no public comments submitted.	
<b>Chairperson’s Report</b>	<p>Bill Bauer welcomed new SAPEC member, Cathye Flory, who has replaced Mary Rose Oakar as the State Board of Education representative.</p> <p><b>SAPEC Membership Update – Staci Anderson</b> SAPEC is in the process of recruiting six individuals to fill in the vacant positions for the upcoming school year. We received twenty applications and have targeted certain counties within the state that are currently unrepresented. Interviews have been completed, six possible candidates were selected, and five are from the targeted counties. During the next scheduled meeting, May 11<sup>th</sup>, 2017, we will give the panel a brief description of each candidate and their background. All candidates are either parents of children with a disability or a person with a disability.</p> <p>There are currently three panel members who are finishing their first term and have reapplied for a second term. There is one person running for Vice Chair Person and two individuals running for the two vacant Member-At-Large positions. We will be voting on these positions during the next scheduled meeting.</p>	Voting ballots will be provided to panel during May 11, 2017 meeting.
<b>ODE Report</b>	<p><b>ODE Office for Exceptional Children’s Update</b> Dr. Zake introduced OEC staff reporting on various topics listed on the agenda.</p> <p><b>ESSA – Dr. Zake</b> The ESSA regulation does not exist; all the regulations that were written into ESSA were set aside and signed off by the President. The state is busy with strategic planning now. With the collaboration of the state board, external stakeholder input, and with the help of individuals within the Department of Education, Ohio will be submitting the state plan for ESSA in the fall.</p> <p><b>Special Education update at Federal level – Jessica Dawso</b> On February 22, 2017, the United States Supreme Court ruled in favor of</p>	

the family in the *Fry v. Napoleon Community School District* court case, with a unanimous vote. The court ruled that it is not necessary for individual(s) to “exhaust their administrative remedies” when the plaintiff’s suit is something other than the right to a free appropriate public education (FAPE).

On March 22, 2016, the United State Supreme Court ruled in favor of the student in the *Endrew F. v. Douglas County School District* court case, with another unanimous vote. The court ruled that providing “merely more than *de minimis*” educational benefit to students with disabilities simply isn’t enough. The student is required to receive meaningful benefits that will assist the student in achieving educational goals.

***Special Education update at State Level – Jessica Dawso and Dr. Zake***  
The parent notice of procedural safeguards, formerly known as *Whose IDEA is This*, has been completely revamped and rewritten and will become available to the public in early April. School districts may continue to use the previous parent notice but all districts will be required to use the new document “A Guide to Parent Rights in Special Education” during the 2017-2018 school year.

There has been discussion about what is happening at the federal level with regards to who can teach what. At this point, Ohio has licensure rules and preparation programs. Now, there is not intent to undo the requirement of what teachers must do to teach students. Although changes may occur at the federal level, Ohio continues to have laws in place that will dictate requirements at the state level.

OEC is currently waiting to hear what will be the allocated amount of special education federal funding for the upcoming school year. During the 2016-2017 school year, Ohio special education funding experienced budget cuts which not been returned. Although Ohio is anticipating a federal budget cut to special education, local districts will have access to state and local funding streams to support educating children with disabilities.

***FFY17 IDEA Part B Application and Public Comment Period – Kalinda Watson***

There are four sections of IDEA, Part B governs what takes place at OEC, which is the serving the needs of students, ages 3 through 21. This fiscal year, OEC initially received approximately \$445 million but experienced a slight reduction in October of about \$1.5 million. Of the \$445 million that OEC initially received, about \$388 million is sent straight to districts. With respect to the IDEA Part B application requirements, OEC is required to maintain a level of support for education with respect to local and state dollars. The federal funds are supplementary. This year, OEC allocated funds to approximately 1,049 LEA’s throughout the state.

Ohio’s annual Part B application notice went out sometime between mid-January and early February and is due on May 12<sup>th</sup>. There are stringent requirements associated with receiving federal funds. Some requirements include assuring that as a state, we are providing funds properly, assuring

that we are maintaining a level of financial support, and making clear how we are utilizing funds for IDEA B. OEC is also required to spell out to the federal government how we are making use of the funds, every intricate detail. OEC also must ensure that FAPE is provided and that the state maintains any amendments to IDEA impacted by ESSA. Lastly, OEC is required to make the application for Part B federal funds available for public review and comment.

As part of the public participation, OEC must try to make sure constituents and stakeholders are aware of IDEA B. The following timeline is used to map out how OEC has made participation available to the public:

- Publish IDEA Part B Application to Website February 28- May 1, 2017
  - Provide Notice/Opportunity for Stakeholder Input March 30, 2017
  - Newspaper Outlets
    - Legal Notice in Cleveland Plain Dealer March 6, 2017
    - Legal Notice in Columbus Dispatch March 13, 2017
    - Legal Notice in Cincinnati Enquirer March 13, 2017
    - Subscription Based Newsletters (i.e. EDConnect) March 24, 2017
    - Stakeholder Groups (i.e. SAPEC) March 30, 2017
  - Provide Opportunity for Public Comment March 15- April 15, 2017
- Available at: [exceptionalchildren@education.ohio.gov](mailto:exceptionalchildren@education.ohio.gov)

***Revised Special Education Forms – Olivia Schmidt***

The OEC is in the process of editing and reconstructing the special education forms (i.e. IEP, ETR, etc.).

***Gifted Rule – Wendy Stoica***

The new Gifted Rule will be in effect on July 1, 2017. It will go into effect for the 2017-2018 school year. Some of the changes to the new Gifted Rule is that professional development is required for general educators that are providing gifted services. The second change is to provide whole grade screening within two grade bands, grades K-2 and within grades 3-6. The Department of Education reviews and approves assessments for the identification of gifted students. Guidance will be provided to districts to ensure they are using whole grade screening. Ohio also has a new parent notice. Districts who are not providing gifted services will now be required to provide notification to parents of students who are identified as gifted. Also, there is language within the rule that applies to testing, accessibility and exceptionality. The language allows individuals who administer the assessments to use subscale scores and subtests scores which eliminate the bias and concern about a possible disability.

Lastly, districts will be asked to complete a gifted self-report survey for the 2016 - 2017 school year. In a few weeks OEC will disseminate a survey asking districts to provide input on help and support needed, technical assistance, and any specific issues regarding the new rule. OEC is planning 6-8 fall regional meetings across the state to provide more finalized guidance.

***SSIP Early Literacy Plan and Phase III Report – Melissa Weber-Mayrer***

The Early Literacy pilot is a collaborative effort that includes different

departments within ODE (the OEC, the Office of Early Learning and School Readiness, and the Center for Curriculum and Assessment) and the assistance of individuals across the state. Our goal is to build a strong foundation in language and literacy development.

There are currently 18 regional Early Literacy Specialists and the goal is to have one in each State Support Team (SST). ODE has partnered with experts at OCALI and experts at the new sensory center for training purposes. The goal is to build regional teams to foster leadership at the regional level, at the district level, then finally at the building level.

There will be a total of 16 pilot districts making up Cohort 1 and Cohort 2. There are currently 8 districts in Cohort 1 and Cohort 2 is still currently recruiting. In regards to Cohort 2, six districts have already signed partnership agreements. The pilot districts will be completing the Reading Tiered Fidelity Inventory, which comprises of three levels; tier 1, tier 2, and tier 3. Tier 1 requires the districts to examine their universal instruction for all children specific to language and literacy and then rate themselves from 0-2. In the first year of the pilot, the districts are participating in the tier 1. After tier one has been completed, the districts will move forward to tiers 2 and 3. Simultaneously, the literacy plan includes building teacher capacity, family partnerships and community collaboration.

Phase III report of the SSIP Early Literacy Plan will be sent to the Office for Special Education Program after receiving input from SAPEC.

***State Personnel Development Grant Proposal (SPDG) – Melissa Weber-Mayrer and Wendy Stoica***

The State Personnel Development Grant Proposal (SDPG) has two main goals. The first goal is to build regional capacity by engaging in evidence-based professional learning to increase district and building capacity to implement research-based language and literacy instruction; principles and processes within a proactive, data-driven, system of supports by 2022. The second goal is to build district administrator capacity by designating targeted buildings to engage in professional learning to ultimately support teacher's competent use of research based language and literacy core instruction and intervention for children and families by 2022.

***District Reading Achievement Plans – Melissa Weber-Mayrer and Wendy Stoica***

This year, 69 districts were required to submit a reading improvement plan. These 69 districts received a "D" or "F" on the language and literacy section of their report card, meaning less than 60% of third grade students were proficient. Of the 69 districts, 9 were traditional and 60 were community schools. It is estimated that there may be up to 350 more districts required to submit an achievement plan due to the new assessments. Submission is due by December 31<sup>st</sup> and thus far, 20 districts have submitted their plans early. Feedback was given and of the 20, 8 districts have used the detailed feedback and resubmitted their plans.

***Preschool Special Education Ratio and Group Size – Sophie Hubbell***

Ohio's rules which apply to how preschool classrooms are licensed and the

special education rule regarding ratio and group size present some conflicting requirements. The preschool rule clarification issued during the fall of 2016 led to a lot of public comment. Due to the high volume of public comments, a survey was distributed to solicit stakeholder input. There were 191 responses to the online survey and ODE conducted four focus groups around the state with up to 59 participants from Toledo, Akron and Columbus. The following recommendations were made:

- Establish a maximum number of children with disabilities permitted in a general education classroom;
- Keep the 1:6 ratio within a maximum group size at 12; and/or allow flexibility in the ratio and group size

ODE wants to maintain some structure to the rule but also allow flexibility. We are proposing to allow specific waivers of ratio and/or group size depending on the needs of the students. We want to review the intervention specialists' caseload requirements when the Operating Standards are reviewed.

***OSEP Dear Colleague Letter – Preschool Least Restrictive Environment – Sophie Hubbell***

The Preschool Least Restrictive Environment “Dear Colleague” Letter came out on January 9, 2017. The letter reaffirms commitment to inclusive preschool education programs. It also reiterates that IDEA section 612(a)(5) applies to the placement of preschool children. The new information included in the letter addressed reporting educational environments data for preschools, placement option clarification, and the use of IDEA Part B funds to provide special education and related services.

***Follow up from January’s webinar – Kara Waldron and Ashley Hall***

The Panel requested additional information during January’s SAPEC webinar regarding when students were initially being identified as students with disabilities. Per the data, the following percentages of students were being identified for the first time in each corresponding grade level:

- 29% in Preschool;
- 13% in Kindergarten;
- 10% in 1<sup>st</sup> Grade;
- 11% in 2<sup>nd</sup> Grade;
- 11% in 3<sup>rd</sup> Grade;
- 6% in 4<sup>th</sup> Grade;
- 4% in 5<sup>th</sup> Grade; and
- 16% from grades 6-12.

Additional data regarding third grade reading proficiency was presented to the panel. The presented data included the rate of third grade reading proficiency by disability category, third grade reading proficiency rate of all students as it compares to the percentage of SWD’s in third grade, and the third-grade reading proficiency rates between SWD’s and their typical peers in Cohort 1 schools, the Dyslexia Pilot Project Districts, and all districts.

***Ohio’s SSIP Targets- Kara Waldron and Ashley Hall***

The State-Identified Measurable Result (SIMR) is a statement of results the

state intends to achieve through implementation of the SSIP. SIMR 1 represents the percentage of students with disabilities in Cohort 1 schools scoring proficient or above on Ohio's Third Grade English Language Arts Achievement Test in comparison to all districts. SIMR 2 represents the percentage of *all* K-3 students in Cohort 1 schools who are on track for literacy, as measured by state-approved reading assessments.

For SIMR 1, there were two options available for setting targets for the 2016-2017, 2017-2018 and 2018-2019 school years. For option 1, Cohort 1 baseline will start at 18.2% and all districts will begin at a baseline of 27.3% (based on the 2015-2016 school year data). The target then will raise to 27.3% for Cohort 1 and remain at 27.3% for all districts during the 2016-2017 school year. Targets will continue to raise by 0.5% for the next two years.

For option 2, once more, Cohort 1 baseline will start at 18.2% and all districts will begin at a baseline of 27.3% for the 2015-2016 school year. The target will then raise to 27.3% for Cohort 1 and remain at 27.3% for all districts during the 2016-2017 school year. In contrast to option 1, targets will begin to raise roughly by 3% for the next two years.

After meeting with stakeholder group, it was recommended to choose option 2, which is the more rigorous option. Option 2 requires 14 students in Cohort 1 schools to score proficient or above on the Ohio Third Grade English Language Arts Achievement Test in the 2016-2017 school year, then increase by 4 more students during the 2017-2018 school year, then by 5 more students by the 2018-2019 school year. For all districts, there would be no change during the 2016-2017 school year. During the 2017-2018 school year, 522 students must score proficient or above to meet the proposed target and 586 students must score proficient or above during the 2018-2019 school year. It was also recommended to revisit proposed targets based on the data that comes in during the 2016-2017 school year since Ohio has a new assessment.

For setting targets for SIMR 2, which is specifically intended to target the 14 schools that are implementing SSIP, there were also two options available for the upcoming school years. For both options, Cohort 1 will remain at a 56.3% baseline rate for the 2016-2017 school year. In option 1, the percentage of all K-3 students in Cohort 1 school who are on track for literacy should increase by 4.66% during the 2017-2018 school year, then by 5% during the 2018-2019 school year. In contrast, the percentage in option 2 is expected to increase by 7.66% during the 2017-2018 school year, then increase by 11% to meet targets by the 2018-2019 school year. For both options, it was necessary to remain at a 56.3% baseline since implementation of SSIP is just beginning during this school year.

It was recommended by the stakeholder group to choose option 2, again, which is the more rigorous option of the two. Option 2 requires students in Cohort 1 schools to remain on track at a 56.37% rate with no increase during the 2016-2017 school year. Then by the 2017-2018 school year, an increase of 266 students must be on track (64%), which equates to about 19 students per school across K-3. An increase of 382 students (75%) is

	<p>then expected by the 2018-2019 school year, which equates to a little over 27 more students per school.</p> <p>A motion was called to adopt and accept the recommendations made by the stakeholder group in collaboration with OEC, which is option 2 for both SIMR's. There was a motion made by Tony Cochren to approve. Panel approved. There was no further discussion.</p> <p>The Panel worked in Ad Hoc Committee groups to discuss several topics.  <b>Ad Hoc group topics:</b>  Group I – Dispute Resolution – Complaint Form Review  Group II – Preschool Operating Standards Revisions  Group II – Parent Engagement Efforts to Support Ohio's Early Literacy Plan</p>	
<p><b>Committee Reports</b></p>	<p><b>Ad Hoc Group Reports</b></p> <p>Panel members reported their small group discussion/recommendations and provided their completed feedback documents to ODE for further consideration.</p> <p><b>Dispute Resolution – Complaint Review Form</b></p> <p>Dispute Resolution updated and revised the current optional complaint form and is looking for SAPEC to provide feedback. The following suggestions/changes were made:</p> <ul style="list-style-type: none"> <li>• Grammatical changes;</li> <li>• Formatting changes; and</li> <li>• Adding links to the mediation and facilitation information sheets.</li> </ul> <p>Overall, the optional complaint form required only minor changes and will be edited and sent to communications to be posted on ODE's website.</p> <p><b>Preschool Operating Standard Revisions</b></p> <p>ODE is seeking feedback relating to the Preschool rule in the Operating Standards. The following suggestions were made:</p> <ul style="list-style-type: none"> <li>• Eliminate unit funding language;</li> <li>• Add the age range under eligibility (Section C) for students that are eligible for preschool services;</li> <li>• Add the transition planning session from preschool to kindergarten;</li> <li>• Clarify "Part C Rep at initial preschool IEP meeting" (Section D2); and</li> <li>• Consider IFSP in preschool.</li> </ul> <p><b>Parent Engagement Efforts to Support Ohio's Early Literacy Plan</b></p> <p>The group discussed parent engagement efforts and how to support Ohio's Early Literacy Plan. While ODE is currently gathering information on what districts are already doing to support and encourage parent engagement, ODE is seeking feedback from the panel regarding additionally efforts that can be implemented at the state level. The following 3 main suggestions were made:</p> <ul style="list-style-type: none"> <li>• STAR pilot: At the preschool level, have parents bring books home and parents will report on how they engage with the books. Data will be collected. Parents will be taught how to make reading more active;</li> <li>• Professional development must occur surrounding protocols created by the Early Literacy Specialist; and</li> <li>• Creating teacher-based teams for family engagement through the</li> </ul>	

	<p>Ohio Improvement Process (OIP).  All in all, family engagement which supports Ohio’s Early Literacy Plan will be dependent on building relationships between families and schools and providing both parties with information to allow for a better understanding of early literacy.</p>	
<p><b>Learning Item</b></p>	<p><b><i>Preparing for Success – Planning for success of students with disabilities as they transition out of high school – Dr. Zake and Jessica Dawso</i></b>  There are 238,285(14.2%) students in Ohio that are identified as students with disabilities (SWD’s), not including the preschool population. At the federal level, there has been a lot of language around vulnerable populations and vulnerable students. SWD’s is one large subgroup in the conversation surrounding vulnerability.</p> <p>The Individuals with Disabilities Education Act (IDEA) of 2004 ensures that all children with disabilities have a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and to prepare them for further education, employment and independent living. However, students with disabilities are not graduating at the same rate and/or possibly without the same skill set as their nondisabled peers.</p> <p>In the 2014-2015 school year, the dropout rate for SWD’s reached a historically high rate of 24% as compared to 17% in 2013-2014 and 22% in 2012-2013. Graduation rates can be discussed from two different perspectives; one is what is reported to the Office of Special Education Programs as far as exit data and how students leave the education system. The other way is regarding how we measure state report card and federal reporting about elementary and secondary education.</p> <p>Per the state’s calculation in 2016, 70% of Ohio’s SWD’s are graduating with a diploma, 19% dropped out, aged out or died, and 6% transferred to regular education. However, per the federal calculation in 2016, 42% of Ohio’s SWD’s graduated with a special certificate, 33% graduated with a diploma, 19% dropped out, aged out or died, and 6% transferred to regular education.</p> <p>Conferring to the 2013-2014 EMIS data, SWD’s are excused from the consequences of the high school graduation test although they’ve scored proficient or above (22.7% in Reading, 21.2% in Writing, 16.14% in Mathematics, 13.6% in Science and 16.94% in Social Studies). This has directly impacted the graduation rates in Ohio for SWD’s at the federal level. Ohio does not have a certificate and the 42% of SWD’s graduating with a special certificate cannot be added to the 33% of SWD’s that graduated with a diploma by meeting the same requirements as their nondisabled peers.</p> <p>When planning for success of SWD’s as they transition out of high school, we must address critical decisions being made by IEP teams and ask the following questions: What’s included in the curriculum and instruction that will support future success? How does SWD’s participate in state assessments? How are services being provided to SWD’s? What is occurring around transition planning? What does a high school diploma mean for SWD’s and all other students?</p>	



	During the next SAPEC meeting, the panel will continue to discuss expectations for <i>all</i> students, including students with disabilities, upon graduation. The panel will also discuss what happens post high school and what decisions parents and educators are making at each step of the way as the student progresses through school. They'll address decisions around the kinds of curriculum, the kinds of settings, and the kinds of experiences students are having.	
<b>Emerging Issues/Unmet Needs</b>	There were no emerging issues or unmet needs.	
<b>Agency Reports</b>	There were no agency reports.	
<b>Member Announcements</b>	Dr. Sue Zake will be retiring from her position as the Director of the Office for Exceptional Children at ODE on April 14, 2017. This was her last SAPEC meeting. The panel presented Dr. Zake with a token of appreciation for her 5 years of service with SAPEC. The Associate Director, Jessica Dawso, will serve as Interim Director until OEC's director position has been filled.	
<b>Future Agenda Considerations</b>	<ul style="list-style-type: none"> <li>• Parent Notice</li> <li>• APR</li> <li>• Learning Activity -Preparing for Success of Students with Disabilities as they transition out of high school</li> </ul>	
<b>Adjourn</b>	A motion to adjourn was call by Tony Cochren and seconded by Tom Ash. Meeting adjourned.	Next meeting is tentatively scheduled for May 11, 2017.