

**State Advisory Panel for Exceptional Children (SAPEC)
November 4, 2021**

Meeting Minutes

Call to Order

The SAPEC meeting was called to order by SAPEC Chair, Trisha Prunty. All members were welcomed.

Sandy Kaufman, Office for Exceptional Children (OEC) conducted roll call. Members absent were Tina Evans, Donna Foster, Judith Sgambati, Melissa Sowers, Noah Trembly, Janet Uher, and Bradley Webb.

Trisha Prunty asked any new SAPEC members to introduce themselves. Charlotte Perlaky introduced herself as new member and as a parent of a child with a disability from the Toledo area. Jenny Keesee from Ashland County is a new member also representing the category of a parent of a disability and is a parent mentor in her area. The panel also welcomed Lisa Golden, the new Early Childhood Mental Health Coordinator with the Ohio Department of Mental Health and Addiction Services who is replacing Valerie Alloy.

Trisha Prunty SAPEC Chair, welcomed all guests to the meeting and reviewed guest responsibilities. Barb McKenzie, representing Ohio TASH attended as a guest during today's SAPEC meeting. Sarah Brooks with the Office for Exceptional Children also attended and introduced herself as a new member of the Exceptional Children staff and the new Ohio Transition Support Partnership Program Coordinator for the office.

Panel Business

Trisha Prunty, SAPEC Chair, asked for a motion to approve the September 30th meeting minutes. Ron Rogers made a motion to approve; Traci Arway seconded. The meeting minutes were approved unanimously.

Trisha reminded SAPEC members to state their names when speaking and to utilize the microphones at each side of the room when making any comments or asking questions.

No public comment or unmet needs were discussed.

Ohio Administrative Code 3301-35-15 - Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion

Emily Jordan, Education Program Specialist with the Office for Exceptional Children presented on Ohio Administrative Code 3301-35-15. Emily's discussion today will focus on the revised rule, and the key components of the rule. What's important to note is that this sits in the standards for kindergarten through twelfth grade. The rule applies to local, exempted village, city, joint vocational or cooperative education school districts, educational service centers that operate a school or educational program, community schools, science, technology, engineering and mathematics schools, and college-preparatory boarding schools. The purpose of the rule is to provide safe and supportive schools, ensure Ohio school districts establish consistent policies and procedures based on the rule, and reduce the need for emergency physical restraint and seclusion.

Looking at the components of the rule. There are two key components to this rule: PBIS which focuses on the behavior interventions and supports that can be used to reduce the need for restraint and

seclusion; and the emergency use of physical restraint and seclusion for immediate safety concerns. Starting with the components in PBIS; there are a lot of new components in the rule for PBIS. Each school district will be required to implement positive behavior intervention and supports on a system wide basis. The new requirements for PBIS will include data-based decision making, evidence-based practices, systems, and progress monitoring. There are also new standards for PBIS. These include, Student personnel receive professional development, Explicit instruction of schoolwide behavior expectations, Consistent systems of acknowledging and correcting behavior, Teaching environments designed to eliminate triggers, and Family and community involvement. Districts and schools will now need to ensure that they have a continuous training structure in place to provide ongoing coaching to support the implementation of PBIS with fidelity. The requirements for professional development require that the PD occurs at least every three years, the PD must be provided by a building or district PBIS leadership team or an appropriate state, regional, or national source in collaboration with the building or district PBIS leadership team, and finally the trained PBIS leadership team will provide PD to the school or district in accordance with the district developed PBIS training plan.

The second component of the rule are the regulations regarding the emergency use of restraint and seclusion. Most of these components remain the same. Emily only focused on what is new and revised within the rule. The revised rule now includes training requirements for crisis management and de-escalation techniques, previously these were just recommendations provided by the department. A school district shall ensure that an appropriate number of personnel in each building are trained annually in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. Also new is the professional development requirements for student personnel. The school district will provide student personnel a review on the content of this rule and any local policies and procedures related to the use of PBIS and restraint and seclusion. The district should annually review the content of this rule and any local policies or procedures as it relates to the rule. The complaint process at the state level is new. A parent may file a complaint with the Ohio Department of Education regarding, training and development issues, policies and procedures about restraint and seclusion, monitoring and reporting, and multiple incidents about required intervention. At the conclusion of the presentation Emily shared helpful resources for PBIS restraint and seclusion that can be found on the Departments website, including the *What Parents Needs to Know* handout that provides a clear overview of the restraint and seclusion process and changes to rule.

Legislative Updates

Jennifer Stump, Policy and Legislative Affairs, provided legislative updates to the SAPEC panel. House Bill 110 is the budget bill for FY22 and FY23. Policy provisions took effect September 30, 21. These included online and blended learning, testing, graduation requirements, Transportation, Afterschool Child Enrichment (ACE) Educational Savings Accounts, and Autism/Jon Peterson Scholarships. Regarding modes of learning there is a new option for schools to now operate online learning schools. With this option, students must work primarily from home on internet or computer-based assignment for 910 hours/year. Blended learning does remain an option for public and chartered nonpublic schools which has been around throughout the pandemic. Testing changes because of HB 110 now require the kindergarten readiness assessment to be given July 1 through the first 20 days of instruction. Also, for high school student's parents are now permitted to opt their child out of the ACT/SAT starting with the class of 2026.

Although panel members would get a full overview on updates to graduation requirements, Jennifer did provide a few updates on what has changes because of HB 110 regarding graduation requirements. Students must now demonstrate competency and earn two diploma seals. An IEP can exempt students

from demonstrating competency, but students must still take ELA II and Algebra I exams. Students who take AASCD can earn their citizenship or science seal by meeting a designated score on that specific subject area part of test.

In the area of transportation. Districts must drop off or pick up all students within 30 minutes of school start and end times. There are also requirements for students in community or chartered nonpublic schools. Districts now have a deadline to make their transportation plans for these students. Students grades K-9 are not allowed to ride on mass transit without school consent. Schools must also provide a detailed rationale for payment in lieu of transportation. If schools do not comply, the Ohio Department of Education may withhold funds.

Afterschool Child Enrichment (ACE) Educational Savings Accounts is a new program. This program was designed to make up for learning loss that students may have had during the school building closure. The program provides \$500 per child to families at 300% of the poverty level or lower. \$125 million has been set aside for FY22 and FY23. Parents must apply to the Department to receive funds and the funds are first come first serve. These funds can be used for afterschool programs, tutoring, field trips, curriculum for homeschoolers, camps, or lessons.

Jennifer also informed SAPEC members that Senate Bill 1 was just passed recently and signed by the governor on October 8. The bill will take effect January 22. This bill will require students to take a ½ credit of financial literacy to graduate from high school. This applies to students in public high schools and scholarship students in chartered nonpublic high schools. It will also require teachers teaching these classes to have a special validation to teach the specific courses.

Office for Exceptional Children Updates

Maria Lohr, Assistant Director for Gifted shared updates regarding gifted funding. With the passing of House Bill 110 there will now be new budget requirements for gifted education, these will only apply for FY22 and FY23. An overview of funding calculation changes, modifications were made to identification calculations, GIS, and gifted coordination funds. New funding categories were established, including referral and gifted professional developments, and the calculation now applies to state share. Other significant changes are related to expenditures. Previously districts were able to spend gifted funds as they choose, now the budget bill restricts districts to how they spend their money. Districts are now limited to spending their funding on gifted identification, gifted coordinator services, gifted intervention specialized services, and gifted professional development. If they are not in compliance the department is able to reduce funding payments. The gifted team is working on guidance to inform the field of these changes. The guidance has been drafted and is currently going through the internal review process. This guidance should be out by the end of the year, which should be released around the same time funding estimates are released. Maria also mentioned that the gifted team has started the process of reviewing the gifted rule which is up for five-year rule review. This will go through the rule revision process like previous rules and will be seen by panel members in the future.

Sarah James, Assistant Director for Resource Management gave fiscal updates specifically related to the American Rescue Plan. The state has received quite a few funding dollars in response to the pandemic. The American Rescue Plan included appropriations for several different funds which included additional funding for IDEA. It is important to note that these are supplemental funds. Ohio received \$92 million and \$6.7 million additional funds for early childhood. These are for State fiscal year 2022 only with a 27-month period of availability. The allocation amount is based on population counts and counts of students who are economically disadvantaged. The adjustment is expected in January. The resource

management team has reminded districts that there are some fiscal considerations to remember. There are no flexibilities or additional allowances. Districts must ensure that they will still meet its MOE requirements. You cannot use these to replace your state and local funds. Sarah concluded by providing her resource management team contacts and the regions that they work with as a guide for where to start if panel members have any questions.

Early Learning & School Readiness Updates

Jody Beall, Assistant Director, 619 Coordinator with Early Learning & School Readiness shared two resources with SAPEC for this month's update. The first resource is the Fall 2020 KRA data webpage. The webpage is a part of the Ohio School Report Cards resource page and will allow you to search how districts and schools performed on the kindergarten Readiness Assessment. During the fall of 2020 over ninety thousand children completed the KRA. The second resource shared is the "Return to School Roadmap" which was completed by the US Department of Education as a resource on the implementation of IEPs in least restrictive environments under IDEA. The document is utilized as a guidance document to focus on reopening efforts to support schools in the implementation of IDEA requirements. The documents also cover IDEA Part C services and serves to clarify that children with disabilities are entitled to FAPE regardless of the pandemic or mode of instruction.

SAPEC Learning Topic (Graduation Updates)

Graham Wood, Graduation and College Administrator with the Office of Graduate Success, a newly created office within the last 6 months at the department, presented with Amy Szymanski, with the Office for Exceptional Children. They presented updates on graduation options and requirements. With the passing of House Bill 110 there are some changes to graduation requirements. Regarding Alternate Assessment for Students with the Most Significant Cognitive Disabilities, students who score a 500 or higher can meet competency in this area. For those students with the most significant cognitive disabilities. There are changes relating to the graduation seals. If a student receives a "B or higher" in American History and Government, they will be able to attain the citizenship seal. If a student receives a "B or higher" in advanced science course, they will also be able to obtain their science seal.

Reviewing graduation requirements. For the class of 2022, students must earn 20 credits and receive instruction in economics and financial literacy. Looking at Ohio's long term graduation requirements, students will be required to complete all local course requirements, demonstrate competency, and demonstrate readiness to earn their diplomas. Course requirements include English Language Arts, Health, Mathematics, Physical Education, Science, Social Studies, and electives. To complete the competency requirement students must complete the required Ohio State Tests. The demonstration of readiness requirement includes the twelve diploma seals that were recently created by state law. Students must earn two diploma seals to qualify for a diploma. There are nine state defined seals and three locally defined seals. To conclude their presentation, Graham and Amy provided contacts to the graduation office and shared that they host biweekly office hours for anyone to join and ask questions related to graduation.

Closing Remarks & Meeting Adjourn

Monica concluded the meeting by reminding members to send travel reimbursements to Sarah James. Panel members were also reminded that our next meeting is December 9th.

Meeting adjourned.