



# Department of Education & Workforce

State Advisory Panel for  
Exceptional Children

## State Advisory Panel for Exceptional Children (SAPEC) Meeting

**May 9, 2024**

### **1. Call to Order**

- a. The SAPEC meeting was called to order by SAPEC Chairperson, Tammie Sebastian. All members were welcomed to the meeting.
- b. Tammie welcomed any guests attending the meeting today and reviewed the guest responsibilities. There were two guests in attendance – Bar McKenzie and Daria DeNoia.
- c. Karen Johnson, Office for Exceptional Children (OEC) conducted roll call. Members absent were Jody Beall, Tom Capretta, Nathan Dedino, Elaine Hamilton, Beth Harrison, Jenny Keese, Christina Matthey, Tess Rivero, Lori Robinson, Stacey Spencer, & Allison Wischer.

### **2. Panel Business**

- a. Tammie Sebastian, SAPEC Chairperson, asked for a motion to approve the March 14, 2023, meeting minutes. Meeting Minutes were approved unanimously.
- b. Tammie Sebastian, SAPEC Chairperson, asked for a motion to vote on the new member ballot. Haydiee Perkins motioned to vote on the new members ballot and Katelyn Merke second the motion.
- c. Ballot vote – ballot has been approved by all SAPEC members.
- d. Tammie 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.
- e. No public comment or unmet needs.

### **3. Office for Exceptional Children (OEC) Administrator updates – Jo Hannah Ward**

- a. Procedural Safeguards Parent Notice
  - i. Updating the draft – using the current document, updating it to only make changes to reflect changes in the rule.

- ii. What about draft completed by the Ohio Coalition for the Education of Children with Disabilities (OECED)? It will now be called the navigator and will be a companion document. OECED also will provide training to parents on updates to rules, processes upcoming.
  - iii. Some delay in finalizing this until OEC has new legal counsel (hopefully in the next couple of weeks).
- b. Department Organizational Updates
  - i. The Department of Education and Workforce (DEW) is now a cabinet agency, reporting directly to the governor.
    - 1. 2 Deputy Director positions (Career Tech and Workforce and Primary and Secondary Education) are vacant – they will be appointed by the Senate. Unsure of timeline, but hopefully soon.
    - 2. OEC administration table charts
      - a. Current OEC administration
      - b. Connections with sections that are no longer included in the OEC administration chart: Office of Accountability – DATA; Office of Fiscal Services – RESOURCE MANAGEMENT; Office of Learning and Instructional Strategies – GIFTED
        - i. Question: These are no longer part of OEC, correct? Yes, however OEC does have authority over IDEA.
  - ii. The directors of the State Board of Education and DEW work closely with each other.
  - iii. Department of Children and Youth (DCY) is the new agency that preschool moved to but the preschool special education administrators meet with OEC administration.
- c. OEC Office Priorities Alignment with Agency
  - i. Literacy, Accelerating Learning, Workforce Readiness, Student Wellness
  - ii. Office inventory of work (required, discretionary funds) – how is it aligned? Will build logic models/theory of action.
  - iii. OEC Priorities (Each Child Means Each Child)
    - 1. Mult-Tiered Support System (MTSS), Professional Learning, Post-Secondary Experiences and Outcomes
    - 2. Collective Responsibility – Evidence Based Practices – Professional Learning – Continuous Improvement
  - iv. Question from SAPEC member – Dispute Resolution is still under OEC but it’s not under Jo Hannah? Dispute Resolution is still part of OEC. Jo Hannah does not have direct authority over Jessica Shields,

Associate Administrator for Dispute Resolution; rather they work collaboratively.

- d. The U.S. Department of Education, Office of Special Education Programs (OSEP) General Supervision
  - i. October 2024 – OEC will meet with OSEP to discuss the monitoring schedule and OSEP will start gathering information in January 2025 for the 2026-2027 monitoring.
  - ii. OEC will engage with SAPEC and continue to bring updates to SAPEC as this progresses.
  - iii. As part of the preparation for the OSEP visit, OEC is already looking at social media, and education news.
  - iv. What is the state doing about “potential credible allegations”? OEC developed a procedure for potential credible allegations, which is separate and different from dispute resolution process.
  - v. OSEP onsite visit will occur in 2026-2027.
  - vi. Share the graphic organizer for SAPEC members based on the identified puzzle components of special education general supervision categories. Comment – can OEC provide future presentations to SAPEC and identify which category applies for their presentation? Yes.

#### **4. SAPEC Learning<sup>1</sup> – State Testing Updates**

- a. Ohio Accessibility Manual – any need for clarifications for that document? Ma’Taya Hammond and Wendy Stoica are taking feedback for Alternate Assessment (AA) and Ohio Accessibility manuals. District justifications for AA and any questions may be directed to Ma’Taya.
- b. Wendy Stoica – Ohio State Tests Accommodations
  - i. Accessibility manual – Appendices B, C, D, F, G for guidance to school teams, parents, etc.
    - 1. Appendix B - Revision to reading access accommodation for students with disabilities (SWD) or English learners (EL) who IEP team has determined they do need this accommodation.
    - 2. Appendix C – protocol for scribing.
    - 3. Appendix D – embedded speech to text accommodation builds into browser for testing. Guidance on how to use this.
    - 4. Looking at potentially merging some of these as tools for IEP teams to gather data, talk to the team, and practice prior to the state test.

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<sup>1</sup> The Components of Special Education General Supervision, see page 16 of the presentation slides.

5. Appendix F – concerns how interpreters are providing the test. Updated this section as guidelines and glossary for sign language translators.
6. Students taking the Ohio’s Alternate Assessment for Students with the Most Significant Cognitive Disabilities (AASCD) in Ohio – decreased from 17-18 (19,017 students) to 23-24 (9,150 students).
7. AA decision making tool finalized in October of 2020, to support teams in focusing on needs of students with “most significant disabilities.” Ohio will not need to submit a waiver for going over the 1% cap this year for the first time!
8. Alternate Ohio English Language Proficiency Assessment (Alt-OELPA) – measuring English language proficiency for English learners with disabilities. Data shows an increase in participation from 2023 to 2024 in statewide K-12 participation. There is no cap or limit. Perhaps more awareness, more English learners across the state. Proficiency rates increased over the grade levels, from K (5%) to 12 (31%).
9. AASCD Content and Fairness Committee – annual review of test questions, determines content alignment and ensures test questions are fair and unbiased.
10. Question from panel members –
  - a. For proficiency of 11<sup>th</sup> and 12<sup>th</sup> graders – are they still receiving English learner services?
  - b. Wondering... are there students receiving both IEP and English learner services? If so, is that what the students need, can we coordinate those services, etc.?
  - c. Great that we lowered our number of students taking AASCD, but what are the outcomes for that? Concern about going from AASCD to regular state testing. Some data collected a few years ago showed that some students who made that move were proficient.
11. Wendy’s team continues to do a deep dive into this data and would like to come back to discuss further.

**5. Assistive Technology Tool – update by Megan Flowers and Sara Sadowski, OEC**

- a. Timeline – feedback provided from groups, including SAPEC, resulting in revisions to the draft. Presented the draft to a couple of conferences (OCALICON 2024).
- b. Assistive Technology and Accessible Education Materials network – reviewed the feedback provided and revised the tool in April 2024.

- c. Next steps will include reviewing pilot process before final edits; review and approval.

**6. Family Engagement & Charting the LifeCourse** - Presenters: Catie Lewis and Lyndsay Havey, OEC and Dr. Lynne Shields, West Geauga Local schools

- a. Ohio received national recognition for the work in Charting the LifeCourse (CtLC) and our collaboration across state agencies.
- b. Dr. Shields discussed the “why” of CtLC, shared core belief, associated tools, graphic organizers, ambassador training, data collected from Geauga Local Schools’ pilot program, incorporating CtLC in postsecondary transition planning.
- c. CtLC is a framework that was developed to help individuals and families of all abilities and at any age or stage of life develop a vision for a good life, think about what they need to know and do, identify how to find or develop supports, and discover what it takes to live the lives they want to live.
- d. CtLC moves people towards independence and reliability.
- e. CtLC- Internal collaboration, cross promoting and collaboration across agencies – benefits families.
- f. The SAPEC members were asked to complete a CtLC chart and give feedback.
- g. Ambassador training dates were provided to the members.

**7. SAPEC Learning – Dispute Resolution, Kim Phillips and Jessica Shields**

- a. Provided an overview of the dispute resolution process.
  - i. Reviewed due process framework: request, resolution timeline, hearing timeline, appeal.
  - ii. Due process closures – Mediation is encouraged.
  - iii. Complaints data – most common violations found.
- b. Discussed the new complaint appeal process and provided the SAPEC members to engage in table discussion.
  - i. Questions:
    - 1. Is DEW’s decision appealable? Yes – see new process handout. This is not currently in place but will be coming.
    - 2. Is the DEW’s corrective action (CA) final? DEW reserves the right to amend the CA to ensure compliance with IDEA and Operating Standards.
    - 3. Why wouldn’t the appellant talk to the original complaint investigator? Dispute will have 2 attorneys. One will go with original review and the other one will be assigned any complaint appeal.

4. Current complaint process already difficult for families. Concern that this new appeals process puts more of a hardship on families. If the district appeals, will parents be waiting on corrective action? No, district will have to start on the CA while appeals process occurs. Suggest that in the communication process to families it be made clear that the timeline be the same.
5. There are a lot of dates and deadlines. Is there a concise timeline for this or some other visual to help families understand? Great idea. We can look into adding it.

**8. SAPEC Learning – Disproportionality Data, Indicators 9 & 10 update – Karen Auble, Ashley Rector, Debra Shirley, Office of Accountability**

- a. Define Indicators 9 & 10 – disproportionate representation and significant disproportionality in special education identification represent two distinct federal Individuals with Disabilities Education Act (IDEA) equity requirements
  - i. Disproportionate representation (Indicators 9 & 10) (20 U.S.C. 1416(a)(3)(c))
  - ii. Significant disproportionality (20 U.S.C. 1418(d) and 34 §§ CFR 300.646-647)
- b. Both of these measures occur when students from a racial group are identified for special education, including within specific disability categories, at a markedly higher rate than their peers of other races.
- c. The IDEA Monitoring and Data Team at the Department works closely with the IDEA Data Center on several state level indicators. Through national technical assistance, it is now clear that states are not allowed to use significant disproportionality data to meet the requirements of disproportionate representation.
- d. The state must now develop separate methodology to report on disproportionate representation.
- e. To come into compliance with reporting requirements for the federal Annual Performance Report (APR) submitted Feb. 1, 2024, Ohio must align the methodology for disproportionate representation to the methodology for significant disproportionality to the extent possible.
- f. Ohio’s methodology for disproportionate representation (Indicators 9 & 10) and significant disproportionality are largely the same, in that both calculations are based on:
  - i. Regular and alternate risk ratios;
  - ii. A risk ratio threshold of 2.50;
  - iii. 3 consecutive years of data;
  - iv. A minimum cell size of 10; and

- v. A minimum n-size of 30.
- g. Federal regulations require disproportionate representation be measured across all disabilities, and within six specific disability categories.
- h. The summary table of IDEA requirements detailed key areas such as federal requirements, methodology, and required actions for districts and community schools with disproportionate representation or significant disproportionality.
- i. Differences between the measures include the age ranges of students, reasonable progress and the actions districts and community schools must take if the risk ratio is above the state's threshold.
  - i. Significant disproportionality in special education identification must include students ages 3 through 21.
  - ii. Disproportionate representation (Indicators 9 & 10) must include only students ages 5 and in kindergarten through age 21.
  - iii. Reasonable progress is not presented as an option for disproportionate representation (Indicators 9 & 10).
- j. Disproportionate representation (Indicators 9 & 10) does not require districts or community schools to redirect funds.
- k. Districts and community schools were notified of disproportionate representation in February 2024 via the 2023-2024 Special Education Profile.
- l. Stakeholder engagement timeline
  - i. The Department created indicator fact sheets, and proposed methodology and target options in May 2024 and internal review in June 2024.
  - ii. Public comments and targeted stakeholder group meetings will be July and August 2024. Virtual stakeholder meetings will be September 2024 to review data, consider public input and reach consensus.
  - iii. Implementation of new methodology and targets will be in October to December 2024.
  - iv. Special Education Profile Phase 1 will be released in December 2024 and February 2025, report of new methodology and targets to OSEP.
- m. Disproportionate Representation Indicator 9: SPP/APR
  - i. 1.43% of districts/community schools for 22-23 (12 across all disability categories)
  - ii. 12 districts and community schools were identified with disproportionate representation across all disability categories based on their risk ratios.
  - iii. Of those 12 districts and community schools (advance), 1 was found to have disproportionate representation that is the result of inappropriate identification. In other words, 1 district had child-specific noncompliance.

- n. Disproportionate Representation Indicator 10: SPP/APR
  - i. 10.07% of districts/community schools for 22-23
  - ii. 75 districts and community schools were identified with disproportionate representation in specific disability categories based on their risk ratios.
  - iii. Of those 75 districts and community schools (advance), 35 were found to have disproportionate representation that is the result of inappropriate identification. In other words, 35 districts and community schools had child-specific noncompliance.
- o. Disproportionate Representation by Disability Categories
  - i. Speech or language impairment (SLI) and specific learning disabilities (SLD) were the highest at 19; intellectual disabilities (ID) at 16; emotional disturbance (ED) at 13; other health impairment-minor (OHI) at 11; autism lowest at 10
- p. 2022-2023 Record Noncompliance for indicators 9 & 10
  - i. Compliant – 315; noncompliant – 128 (29%). This is typical. Noncompliant records must be corrected.
  - ii. Biggest category is “does not meet IDEA definition,” followed by no written consent and lack of parent involvement.
  - iii. Note that often the adverse effect is missed or not described in the record. Results are shared with OEC & SSTs to help identify trends and potentially training needs.
  - iv. Noncompliance per eligibility category – highest is Speech language impairment and specific learning disability and emotional disturbance
  - v. Questions – Who are the stakeholders in this review process?
    - 1. Typically, district and the Education Program Specialists from the Office of Accountability.
    - 2. If a district was found noncompliant for their child’s record, it needs to be re-evaluated, and parents must be a part of this process as always.
  - vi. Related Services Specialist, Bernadette Laughlin provides support and training to the field to help them understand the full comprehensive evaluation in speech and language impairment.
- q. At Risk for Disproportionate Representation –
  - i. 107 districts/community school were at risk
  - ii. 87 districts/community schools had findings
  - iii. 20 that had risk ratios above the 2.50 for both 2021-2022 and 2022-2023.



- iv. The number of districts and community schools at risk for disproportionate representation may change depending on further stakeholder engagement.
- r. The team will continue to engage stakeholders in a more robust process to identify potential further changes to disproportionate representation methodology.

**9. SAPEC member recognition**

- a. Members who will no longer be participating in SAPEC – Trisha Punty and Haydiee Perkins. Haydiee was given a certificate of appreciation.

**10. Closing remarks and meeting adjourn**

- a. Tammie asked for a motion to adjourn the meeting. A member motioned to end meeting, and the meeting was seconded.
- b. The SAPEC meeting was adjourned.