

STATE ADVISORY PANEL FOR EXCEPTIONAL CHILDREN

November 29, 2018

Quest Conference and Business Center

Agenda Item	Discussion/Recommendations	Next Steps
<p>Call to Order</p> <p>Roll Call</p> <p>Welcome and Introductions</p>	<p>Tony Cochren, Chairperson, called the meeting to order.</p> <p>Absent: Valerie Alloy, Bonnie Brown, Marbella Carceres, Tina Evans, Kimbely Hauck, Rebecca Holtgreven, Tony Huff, Jennifer Kobel, Valerie Leach, Michelle McCollister, Jessica Minor, Kristen Mitchem, Sean Riley, Judith Sgambati.</p> <p>Guests: Jennifer Hardin, Tina Reichert, Barbara McKenzie, Eric Ochmanek, Elise Geig, Trane Lee, Earl Oremus, Nathan DeDino.</p>	
<p>Panel Business Approval of November 29, 2018 SAPEC Minutes</p>	<p>A motion was called to approve the August 30, 2018 meeting minutes. The motion was seconded. There was no discussion. Minutes were approved.</p>	<p>Meeting minutes will be posted to the ODE website.</p>
<p>Public Comment</p>	<p>Feedback on House Bill 318, Tammy Sebastian, SAPEC member</p> <p>During the November SAPEC meeting, panel members received information about House Bill 318 to share with their constituents. Representatives from Parma City Schools shared some activities that the district has implemented in response to this bill. The district has addressed several requirements including:</p> <ul style="list-style-type: none"> • Created progress monitoring tools and a 3-year implementation plan for House Bill 318. • Implemented Teacher Based Teams (TBTs) and Building Leadership Teams (BLTs) that support systematic teaching and review of behavioral expectations and replacement behaviors in all schools. • Provided a variety of supports to help students manage emotional issues, replace maladaptive behaviors and deal with issues that impact their ability to learn at school. • Developed plans to train paraprofessionals, teachers, and administrators on TBI strategies, implementation and monitoring as required by HB 318 by incorporating these topics in the district’s professional development days throughout the school year. <p>The district will be working with the SST to review RTFI baseline data that will help the school improve PBIS efforts. They are seeking a clear definition of “supervised learning environments” specified in the bill and guidance on funding and alternatives to the suspension requirements.</p>	
<p>Emerging Issues/ Unmet Needs³</p>	<p>There were no emerging issues or unmet needs reported.</p>	

<p>Ohio’s Operating Standards for the Education of Children with Disabilities</p>	<p>3301-51-10 Transportation of children with disabilities, Kim Monachino, Director; Sarah Buoni, Education Program Consultant; Sara Katz, ODE Assistant Legal Counsel</p> <p>The transportation standards are part of the five-year rule revision process. This process is led by OEC’s Assistant Director for Dispute Resolution and supported by staff from ODE’s Implementation unit. ODE developed a plan which provides multiple opportunities for stakeholder feedback including:</p> <ul style="list-style-type: none"> • Stakeholder meetings – opportunities to meet with interested stakeholders to review the proposed changes and collect comments. • Electronic notifications - multiple electronic communications will be sent to stakeholders throughout the review process. • Webinars – stakeholders will have access to pre-recorded online webinars specific to changes for each rule. • Public comment periods – the first will be 90 days. The second will be 30 days. Any additional comment period will be 30 days, if needed. • ODE collection of comments and revisions – ODE will make revisions, as needed after each public comment period until a final draft is ready for state board review. • State Board review <p>The purpose of this discussion was to review the proposed changes for 3301-51-10 Transportation and to obtain stakeholder feedback on the proposed changes and other changes needed. Panel members received two key documents to review. The Summary of Requirements document is a companion document that provides a brief introduction to the rule, a highlight of the state and federal laws that govern it, and any duplicative items that are being deleted from the rule. This will inform districts and parents about additional legal requirements that accompany the rule. Districts are required to comply with all federal and state laws associated with this rule even if they are not spelled out. The Summary of Requirements will be a companion document for each revised rule. The revised rule language showed the current proposed revisions.</p> <p>The primary changes made to the transportation were the removal of language and definitions found in federal law, Ohio Revised Code and Ohio Administrative Code. Other proposed changes include language updates, i.e. changed “child” to “student”, and “children with disabilities” to “students with disabilities”, hyperlinks to resource documents, references to Chapter 83 and IDEA , and clarifications were added throughout the rule. The revised rules should be as clear as possible however, users will be encouraged to consult with their supervisors and the district’s legal counsel when making interpretations about implementation.</p> <p>SAPEC members offered suggestions related to the revised rule’s clarity, suggested changes on each section of the revised rule, observations about the format and the need for supporting documentation. Several other considerations are summarized below.</p> <ul style="list-style-type: none"> • Educators and others using the documents may not know how to check resource documents. • References to resource documents should be clearly identified in the revised rule documents. 	
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	<ul style="list-style-type: none"> • Make sure language is consistent throughout the document. • Clarify the expectation that “transportation personnel” should be consulted in the preparation of an IEP based on the unique needs of the student. Attendance at meetings is clearer that “consulted”. • The section that addressed the district setting their own reasonable travel time is a concern for numerous families. This could be more clearly defined. • The revised documents should make clear that educators need to refer to the federal regulations to guide implementation of the requirements. • Make formatting, i.e. divisions, numbering, indentations, etc. consistent throughout the document. • The Summary of Requirements document should be attached to each rule and should not be separate documents. • The term “transportation aide” is clearer that “bus aide”. The term should be defined in person-first language. • Participants agreed with changing the term “child” to “student”. The term “learner” was offered as another option. <p>SAPEC members were encouraged to share additional questions, comments or suggestions during the public comment period on ODE’s website or Ed Connect through February 19, 2019. The remaining operating standards will be available for public comment next year and will be presented as a package.</p>	
<p>Office for Exceptional Children’s Report</p>	<p><i>Alternate Assessments, Virginia Ressa, Education Program Specialist, OEC</i></p> <p>The US Department of Education requires states to request a waiver extension if they expect to exceed 1% participation in the alternate assessment. Ohio’s participation rate for students taking alternate assessments in 2017-2018 were:</p> <ul style="list-style-type: none"> • 1.72% in reading (.03% drop) • 1.81% in math (.03% drop) • 2.0% in science (.04% drop) <p>Ohio has not achieved a significant drop in participation and will be requesting a waiver extension.</p> <p>The state waiver request informs the US Department of Education of Ohio’s plan to ensure that only students who qualify for the alternate assessment are taking the assessment and what the Department is doing to support districts in this decision making.</p> <p>Requirements for a waiver extension request include:</p> <ul style="list-style-type: none"> • state-level data, from the previous school year, • Assurances that the state verified that districts followed state guidelines for participation, and will address any disproportionality in the percentage of students in any subgroup taking the alternate assessment, • a timeline by which the department will improve the implementation of Ohio’s guidelines for participation, • additional steps taken to support and provide district oversight and ensure that only students with the most significant cognitive disabilities take an alternate assessment, and 	

	<ul style="list-style-type: none"> • address any disproportionality in the percentage of students taking the alternate assessment. <p>ODE’s plan included provision of a multitiered system of support to help districts lower the number of students taking the alternate assessment. The plan must provide evidence that the state has made substantial progress towards achieving each component of the prior year’s plan and is making progress towards assessing only students with the most significant cognitive disabilities with the alternate assessment.</p> <p>The <i>Every Student Succeeds Act</i> (ESSA) requires each district or community school to submit a justification when it anticipates testing more than 1 percent of students using the Alternate Assessment for Students with Significant Cognitive Disabilities (AASCD). Districts and community schools that expect to exceed 1% must submit a justification to the Ohio Department of Education.</p> <p>SAPEC members discussed ideas about supports and resources that would be helpful to districts and IEP teams in determining which students should be assessed using the alternate assessment. Some observations included:</p> <ul style="list-style-type: none"> • The definition of “significant cognitive disability” should be clarified. • Some students identified as emotionally disturbed may have co-morbidity, which needs to be taken into consideration. • Correct use of accommodations on regular assessments may help reduce the number of students identified to take the alternate assessment. • Guidelines that help IEP teams consider whether a prior recommendation for the alternate assessment remains appropriate for a student transitioning from one set of standards to another would be helpful. • More frequent regional training could be provided to enable IEP teams to use the companion tools. <p><i>Early Childhood Update, Jody Beall, Associate Director, Early Learning and School Readiness (ELSR)</i></p> <p>The preschool special education rule, 3301-01-11 is still in process. The Department’s internal team is working on proposed language for the rule. Least restrictive environment (LRE) is a topic that is being discussed statewide and the department has received many questions about LRE. SAPEC members were encouraged to submit any questions or concerns to the department. The final rule language will be shared with the state board committee and once approved, will go to JCAR, then back to the state board.</p> <p>ELSR is finalizing interagency agreements in the preschool special education office. OCALI works with the Department to provide training on transition from Part C to Part B and they assist districts with developing interagency agreements with local providers of early childhood services. Finally, in August 2018, ELRS and OEC issued allocations called restoration funds to local educational agencies that were underfunded as a result of an audit.</p>	
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<p>SAPEC Learning Topic</p>	<p><i>Stable Account for Persons with Disabilities, Eric Ochmanek, Deputy Chief of Staff, Office of the State Treasurer of Ohio</i></p> <p>The STABLE Account Fact sheet shared with SAPEC members described key facts about the program. Several points from the Fact sheet are summarized below.</p> <ul style="list-style-type: none"> • A STABLE Account is an investment account made possible by the federal Achieving a Better Life Experience “ABLE” Act passed by Congress in 2014. These accounts allow qualified individuals with disabilities to save and invest money without losing eligibility for certain public benefit programs, like Medicaid or SSI. • Ohio was the first state to launch an ABLE program in 2016. STABLE accounts are administered by the Ohio Treasurer’s office and are similar to a 529 college savings account or a 401K retirement account. The account can function like a checking account and work together with a Special Needs Trust. • STABLE Accounts increase the ability of individuals with disabilities to save and invest. Before STABLE, individuals could only save \$2,000 before losing needs-based benefits. STABLE Accounts allows individuals with disabilities to save and invest up to \$15,000 per year without affecting the individual’s eligibility for some public benefits programs. 	

	<ul style="list-style-type: none"> • To be considered as an “Eligible Individual” the individual’s disability must have begun before the age of 26, the individual has lived with their disability for at least one year or expects their disability to last for at least a year. An “eligible individual” must also have one of the following qualifications: <ul style="list-style-type: none"> ○ Be eligible for SSI or SSDI; ○ Have a condition listed on the Social Security Administration’s List of Compassionate Allowances Conditions; ○ Self-Certify their diagnosis. <p>The discussion provided details about how to enroll or open a STABLE account, using a STABLE loadable debit card, and the cost of an account. Those interested in establishing a STABLE account should be aware of SSI and Medicaid requirements and should understand the difference between a STABLE Account and a Special Needs Trust.</p> <p>Panel members received handouts and contact information that is available on the STABLE Account website at www.stableaccount.com 1-800-439-1653 team@stableaccount.com </p>	
<p>SAPEC Chairperson’s Report</p>	<p><i>Membership and Elections Committee announcements, Staci Anderson, Chairperson, SAPEC Membership and Elections Committee</i></p> <p>SAPEC membership is comprised of a majority of parents of school aged students with disabilities or individuals with disabilities. Members serve a three-year term and are eligible to serve a second three-year term. The panel has four open positions that need to be filled. The membership and elections committee will contact four alternates identified in 2017-2018 to determine if they are still interested in SAPEC membership. SAPEC members interested in serving as vice chairperson or member-at-large should send a letter of interest to the SAPEC chairperson by January 31, 2019.</p> <p>The executive committee needs members to serve as co-chairperson of the membership and elections committee and co-chairperson of the policy and procedures committee. Those interested should contact Tony Cochren or Staci Anderson.</p> <p>SAPEC provides an opportunity to meet a variety of people with diverse backgrounds related to students with disabilities from across the state. Participation in SAPEC helps me find information and connect the dots for people in my community. Members interested in these roles should submit a letter of interest by the deadline. A recommended ballot will be presented during the SAPEC meeting on May 10, 2019.</p>	
<p>Agency Reports and Member Announcements</p>	<p>No agency reports were provided.</p>	
<p>Adjourn</p>	<p>A motion was made to adjourn the meeting. The motion was seconded. There was no discussion. Meeting adjourned.</p>	<p>Next meeting is scheduled for Tuesday, March 26, 2019</p>