

**State Advisory Panel for Exceptional Children (SAPEC)  
May 5, 2022**

**Meeting Minutes**

**Call to Order**

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

In absence of Sandy Kaufman, Karen Johnson, Office for Exceptional Children (OEC) conducted roll call. Members absent were Kathy Demers, Lisa Golden, Kathryn Frederick, Rebecca Hardesty, Jennifer Hull, Tony Huff, Kim Moritz, Donna Stelzer, Antoinette Miranda, Charlotte Perlaky, Judith Sgambati, Janet Uher, and Susannah Wayland.

Brandi Muhammad, Marbella Caceres, and Stacey Spencer attended as guest for the meeting.

**Panel Business**

Trisha Prunty, SAPEC Chair, asked for a motion to approve the March 24 meeting minutes. Haydiee Perkins made a motion to approve; Bradley Webb seconded. Meeting Minutes were approved unanimously.

The 2022 nominations were conducted. Rachel Barnhart motioned to close the nominations. Tammie Sebastian made a motion; Shannon McGowan seconded the motion. SAPEC members were asked to vote by a show of hands to approve the entire ballot. The 2022 SAPEC nominees were passed 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 shared.

**SAPEC Member Acknowledgments**

Time was taken to acknowledge members leaving the panel this year. Ron Rogers was recognized as Ex-Officio Chairperson, who will be exiting SAPEC this year. He was acknowledged for his time and dedication to the panel over the years. Sandy Kaufman, Office for Exceptional Children was acknowledged for the many years she dedicated to SAPEC and students with disabilities throughout Ohio. She will be retiring at the end of the summer.

**Ohio Administrative Code 3301-51-15**

Maria Lohr, Assistant Director, Gifted, introduced Ohio Administrative Code 3301-51-15. Maria began with an overview on each section of the rule. Following an overview of the sections, panel members reviewed and discussed the rule with facilitated questions in table groups.

Panel members took a brief break then reconvened for a large group discussion to debrief regarding what was discussed in their small group discussions while reviewing OAC 3301-51-15. Concluding the large discussion, Maria reminded panel members that the proposed draft rule will be brought back to SAPEC in the fall for another review and discussion.

### **Early Learning & School Readiness Updates**

Jody Beall, Assistant Director, Office of Early Learning & School Readiness provided updates on the Preschool Special Education rule. OAC 3301-51-11 will be available for public comment in May. The early learning team is currently revising the rule to address concerns around classroom types and teacher to student ratios. A link will be sent to SAPEC members for public comment once it is available. If members would like to see current revisions to the rule, they can visit the link that will be sent to them following the meeting. Questions regarding the rule can be sent directly to the to the Preschool Special Education team or Jody Beall.

### **Office for Exceptional Children Updates**

Heidi Kleinman, Assistant Director, Dispute Resolution gave updates on Dispute Resolution data for the year. The team has been increasingly busy this year compared to last year around this time. The dispute resolution team has seen a 15% increase in facilitation requests this year. There has been a 49% increase in mediation requests this year. For mediation requests that include complaints or due process complaints; there has been a 78% increase in mediation requests with complaints, and a 4% increase in mediation requests with due process complaints this year. The dispute resolution team has been very busy with complaints especially. There was a 92% increase in complaints, with the team receiving on average 1 complaint a day. There is also a 28% increase in systemic complaints. Heidi discussed some of the top violations that the department received which includes when IEPs must be in effect, development/revision of the IEP, prior written notice and FAPE.

Sarah Westerfield Brooks, Assistant Director, Supports & Monitoring gave a high-level overview of the monitoring process and updates on the data for the year. The monitoring process now includes three tiers. Tier 1 includes all districts once they receive their special education profile indicators. Based on those indicators will determine if the district needs tier 2 or 3 monitoring. Tier 2 is a self-review process that the supports and monitoring team recently created and is piloting this year with one district and SST to get feedback before it is rolled out officially. Tier 3 of the monitoring process is a more comprehensive review which would be conducted onsite/virtually. This review process includes staff and administration interviews, IEP verifications, input from parents and a review of student's records.

Sarah moved on to review data from her team. Data from record review findings from the 2019-2020 reviews and the 2021 reviews for Child Find (which is the review of the ETR), Delivery of Services, and Least Restrictive Environment (this is the IEP and Transition Plan when applicable), showed that the compliance rate has dipped somewhat, which is probably a result of more detailed requirements this past year. Next Sarah reviewed the comparison of the top areas of findings during the 2019-2020 and during 2021 reviews. The supports and monitoring team added a review item for justification for eligibility determination for 2021. The team was seeing a lot of districts that would use the disability definition and not include how the disability affects the child's progress in the general education curriculum. There has been some improvement in areas, such as Present Levels of Performance which went from 91% to 70% noncompliant, Transition Plans from 82% to 76% noncompliant, Measurable Goals from 71% to 60% noncompliant, and supports for school personnel from 60% to 27% noncompliant. During the 2021 reviews, the team saw an increase in findings such as the ETR not addressing all areas of the suspected disability (80% to 86%) and identifying accommodations (73% to 88%). Supports and monitoring provides internal monitoring training for each of the districts in a review. The internal monitoring training walks the districts through an ETR, IEP and a Transition Plan developed in their district and how to use our record review tools. Due to limited time Sarah was able to answer a few questions and directed SAPEC members to email her with any additional questions. Sarah

mentioned that she would come back and present on the Supports and Monitoring process to SAPEC again next year.

Sarah James, Assistant Director, Resource Management, provided an update on fiscal monitoring. The resource management team leads the special education fiscal monitoring process. The team is responsible for ensuring that Individuals with Disabilities Education Improvement Act (IDEA) Part B funds are being used in compliance with statutory requirements regarding the provision of educational services and supports and to improve outcomes for students with disabilities, ages 3 through 21. School districts must be able to account for their use of IDEA Part B funds separately from other state and federal funds. Each monitoring period follows a fiscal year timeline, which begins in July and goes throughout the year ending in June.

In fiscal year 2022, 994 entities were eligible to receive IDEA Part B funds. Of those entities receiving funds, 15 required intensive reviews, 62 required desk reviews, 9 required guided self-surveys and 908 received self-surveys. Common areas of concern included allowable cost and public participation. The resource management team is considering developing webinars and guides that will help districts in these areas as well as help guide the team in their day-to-day conversations with districts when they reach out for assistance. Sarah concluded her presentation with time for questions and provided her contact information for SAPEC members to follow up with any outstanding questions. Sarah will come back in the fall for more time to discuss the fiscal monitoring process.

Andrea Faulkner, Assistant Director-Urban, gave a brief update on the 11 districts plan. As of now the urban team is in the working phase of the plan. They are collaborating with sections in the office during their monitoring visits with districts and schools that need assistance. It is their hope that during the next SAPEC season they will have more qualitative data to share with panel members as this is not their data time.

#### **Procedural Safeguards Parent Notice**

Erin Hinkel and Elizabeth Rivero from Ohio Coalition for the Education of Children with Disabilities (OCECD) presented on the draft Procedural safeguards notice. Erin and Elizabeth went through a brief overview PowerPoint introducing who they are and the team's vision for the updated procedural safeguard notice. Following their presentation, SAPEC members were asked to review two documents and provide feedback in a large group discussion format. Following the large discussion OCECD explained that they will be bringing a more completed draft of the Procedural Safeguards document back to SAPEC members in September to review and provide feedback on. The team will also be sharing the document with focus groups that will be comprised of other educational professionals and families to review the document.

#### **Closing Remarks & Meeting Adjourn**

Trisha asked for a motion to adjourn the meeting. Noah Trembley made a motion, Rachel Barnhart seconded.

Meeting adjourned.