



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

Prepared for OAPSA December 7, 2018 Business Meeting

Each state in the Union has an Advisory Council. SAPEC was established in accordance with 34 C.F.R. Part 300.167-300.169 in order to advise and assist the Ohio Department of Education on special education and related services for children with disabilities. The panel members represent various agencies, individuals with disabilities and parents of children with disabilities. As a panel, our job is to help to connect the dots and identify unmet needs connected to students with disabilities. SAPEC meetings are held 4 times annually (August, November, March, and May) with 2 additional tentative conference call/webinar dates. We are an “advisory panel” – not an advocacy panel. There is a process in place for raising emerging issues of advising on unmet needs. I am the representative for OAPSA and Talia St. Clair is my designated substitute.

I attended the second SAPEC meeting for this school year on November 29, 2018. Following is a brief summary of information presented. Dr. Kim Monachino, Director of OEC along with team members from OEC provided reports on:

1) **Ohio’s Operating Standards for the Education of Children with Disabilities regarding Transportation**

Current operating standards in Ohio were effective on July 1, 2014 and Ohio Legislation requires those rules be reviewed by ODE and Stakeholders every 5 years. ODE’s OEC staff are in process of reviewing for the 2019 review of those standards and they are currently seeking review and public comment on Rule # 3301-51-10 Transportation of Children with Disabilities. Note that there is an excellent, brief (5 minute) webinar by Kim Monachino available on ODE’s website explaining all this. To view webinar, go to ODE’s homepage and search Rule Revision Transportation of Children with Disabilities and Kim’s Powerpoint and more information will appear.

**Note that remaining operating standards will be available for public comment early next year.** Stakeholders have the opportunity right now to review and

provide comment on 2 documents connected to Transportation of Children with Disabilities (3301-51-10). Those documents are:

- a) Proposed Changes to the Rule on Transportation of Children with Disabilities
- b) Summary of Requirements Document which is a companion document which provides brief introduction to transportation of children with disabilities, a highlight of state and federal laws that govern it and any duplicative items that will be eliminated from the rule.

The Department is proposing two types of changes to transportation rule:

- a) Remove any duplicative language (including any duplicative definitions) that are found in federal and state law, Ohio Revised Code and Ohio Administrative Code.  
NOTE: Districts are still obliged to comply with all federal and state laws connected to this rule even if they aren't spelled out.
- b) Also, there are proposed updated language in the rule.

Public comments are possible for 90 days between Nov 19, 2018– Feb 19, 2019. After Feb. 19 department staff will revise the Transportation Rule and The Summary of Requirements Document based on public comment. If the first comment period yields significant changes to the rule, then there will be another 30 days to comment. In Fall 2019, changes to the rule will be presented to State Board of Education for review and adoption. To offer comments, go to ODE website, search for Ohio Administrative Code Rule Comments, click on link for 3301- 51-10 to view the proposed changes. Submit your comments. ODE values your input and looks forward to learning how to improve the transportation of children with disabilities.

Some concerns expressed at SAPEC included:

- Would transportation directors be aware of all those duplicative laws that are being eliminated from this rule? (There would be links for them to learn more.)
- Would it be made clear to Sp Ed Directors that they have to also use the federal and state laws that apply (but are being eliminated in this proposed document)?
- Doesn't address excessively long bus drive times that some swd experience (Board of DD has specific limits on amount of time on bus and shouldn't this rule have more limitation on districts than just saying districts establish their own reasonable travel time??)

Positive comments heard included:

- Liked moving to student first language
- Liked using the word student as opposed to children

As we each consider our own comments to submit consider the following:

- Is this rule clear and understandable?
- How do you feel about the proposed structure and layout of the rule with the elimination of duplicative language that is already in federal and state laws?
- Does the term "transportation aide" require a definition? Would it be better to utilize the term "bus aide" which is defined in OCA 3301-83-06?

- 2) **DOE Settlement Agreement** was discussed by Chief Legal Counsel Diane Leases and Sara Katz, ODE Assistant Legal Counsel. A settlement agreement reached in November 2018 in the longstanding Doe v. State of Ohio Special Education Class Action Lawsuit will improve the academic achievement of students with disabilities, in part by supporting their inclusion in regular classrooms. The agreement aligns with Ohio's new strategic plan "Each Child – Our Future." More info is available on Disability Rights of Ohio website. The settlement is expected over the next five years to improve the state's support for special education throughout Ohio, as well as create measurable improvements in student performance and inclusion for children with disabilities in 11 of Ohio's large urban school districts. Among other things, the settlement requires special efforts by the state to improve test scores and rates of inclusion in 11 school districts – Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Lima, East Cleveland, Toledo, Youngstown and Zanesville – which currently have very poor academic outcomes for students with disabilities and high levels of segregation. DRO and the state will now work together to create a plan that will reverse those deficits. The plan will include effective strategies for improving literacy and other supports for students and classroom teachers, such as evidence-based behavior support. **The settlement will also provide more help for students as they transition from high school to employment, further education, and independent living.** The settlement will not go into effect until after an agreement is reached on Plaintiffs' attorneys fees and the Court approves the agreement. The final decision on when the settlement takes effect is the courts. So Department of Education has some time to prepare a plan.
- 3) **Alternate Assessment Workgroup** – Virginia Ressa, Educational Program Specialist, OEC, discussed the Alternate Assessment Workgroup and Becky Furbay, Associate Director, OEC, has been helping that group also. There are ESSA requirements connected to Ohio's Alternate Assessment State Waiver. We also discussed improving the Alternate Assessment Justification. Districts expecting to exceed 1 percent must submit a justification to the Department. Department must provide oversight and support to districts exceeding 1 percent participation. Department must make district justifications available to the public (expected out in January 2019). 603 districts and community schools exceeded the 1 percent threshold. That's still about 2/3 of all Ohio districts and community schools. 36 traditional districts had participant rates over 3 percent. 619 districts and community schools submitted justifications in 2017. We discussed in small groups what else IEP teams need beside the Decision Tree Document to make informed, appropriate decisions about Alternate Assessment. During that discussion it came out that some vendors don't have the decision tree document pop up during the IEP process like ODE's

dynamic form does. Other individuals on that Alternate Assessment Workgroup include representatives from

- Community Schools
- Improvement and Innovation
- Office of Assessment
- Office of Early Learning and School Readiness
- Office of Legal Advice (Sara)

4) ***Early Childhood Update*** was provided by Jody Beall. Rule for preschool Sp Ed 3301-01-11 is moving forward – but nothing she could discuss right now. Hope to take proposed draft to State board then JCAR then back to State Board. Because that rule is not finalized yet there are some rumors floating around about LRE such as is the 50- 50 classroom going away and that we may be moving toward a more proportionate classroom similar to elementary proportions. So there are lots of questions and no definitive answers right now. If you have concerns reach out to Jody.

5) ***STABLE Account for Persons with Disabilities*** – Information about STABLE was presented by Eric Ochmanek, Deputy Chief of Staff Office of the State Treasurer of Ohio. This is same presentation he has been doing around state in every county regarding the ABL Act of 2014 which created savings and investment account for individuals with disabilities. (Note Eric’s team will also be doing this presentation on Dec. 7 2018 for OAPSA Conference.) ABL Accounts do not affect eligibility for benefits programs such as SSI and Medicaid. Individuals with disabilities have money in their own name. It’s like a combination of Special Needs Trust and Savings Account and College Savings Plan. The “ST” in front of ABL just stands for State Treasurer. Ohio has the largest most successful program and two individuals from the National Council on Disabilities in Washington DC accompanied Eric to this meeting to learn more about what Ohio is doing in order to encourage other states to follow Ohio’s lead.

In conclusion, as a newer member, I’m still learning the processes in place for SAPEC, but SAPEC is obviously a well-organized, highly effective and efficient group and we should all be very proud of the commitment of the members of this group and the seriousness with which they take their role in advising ODE’s Office of Exceptional Children.

Respectfully Submitted,

Donna Stelzer, OAPSA Executive Director