



State Advisory Panel for Exceptional Children (SAPEC) Report

Prepared for OAPSA December 4, 2020 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 typically held 4 times annually (August, November, March, and May) with 2 additional tentative conference call/webinar dates but this year we have additional dates because of so much work to do. 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. SAPEC met three times since our last OAPSA Conference. We met on September 24, November 5 and December 3, 2020 and will meet again in January 2021.

Highlights from SAPEC September 24, 2020 Meeting

Over 80 individuals applied to be on SAPEC and three of those were chosen to be our new members.

Our learning topic for this session was on OAC 3301-51-20 Admission, transfer, suspension and expulsion standards for the Ohio State Schools for the Blind and Deaf. After Sarah Buoni explained the proposed changes, we were broken up into facilitated breakout rooms to discuss the rule.

Updates from OEC - JoHannah Ward reminded us about the Reset Restart page on ODE’s website specifically regarding students with disabilities that includes essential questions related to student with disabilities. This page also includes telehealth guidance and a document on resources.

Another item is the Office for Exceptional Children Roadmap with the draft sent to Superintendent Paolo DeMaria today and next steps will be to build implementation teams and plan. This will happen in conjunction with the 11 Districts Plan.

SAPEC will have 3 additional rules to review this school year so it will be a very full year.

Highlights from SAPEC November 5, 2020 Meeting

Ohio's Annual Sp Ed Determination - Ohio is one of 33 states that received a determination of "Needs Assistance" in 2020. This represents a drop on our determination after two consecutive years of "Meets Requirement." This is based on compliance and student results data.

Kara Waldron, Program Administrator, presented on equity and the impact disproportionality has on Ohio's students. In the context of IDEA, disproportionality is an overrepresentation of students from a racial or ethnic group in identification for special education, placement in more restricted educational settings or disciplinary actions. Disproportionality becomes significant when the overrepresentation exceeds a threshold defined by each state.

Here's some history behind this change. A workgroup in Ohio on disproportionality was originally started in 2017 when the US Dept of Ed announced (Dec. 2016) that there were new IDEA regs in place for disproportionality. Those new regulations established a standard methodology across states for identifying disproportionality; clarified requirements for the review and revision of policies, procedures and practices when significant disproportionality is found and require that districts identify and address the factor contributing to significant disproportionality through redirecting of special education funds. States have been required to identify and address significant disproportionality since the 2004 reauthorization of IDEA. Longitudinal national data continue to show disparities by race. Nationally black students make up 13.8% of the population ages 6 -21 yet they account for 17.9 % of students with disabilities. Looking at disciplinary removals, black students far exceed all other racial groups with 65 removals per 100 students. The next closest racial group, multiracial students, experience 30 removals per 100 students. The goal is to promote equity by identifying and addressing significant disproportionality.

However, the group that had started in Ohio in 2017, stopped meeting when the current US administration stopped the ordered change in those regs and all work came to a halt in Ohio awaiting word from the courts. Then a court ruling removed that halt. We knew that back by the end of 2019. The new regs were going to have a huge impact on how districts were being rated on disproportionality. ODE had plans to address that last spring (2020) but the roll out of the plan came to a halt due to the pandemic.

So now ODE has started meeting with a stakeholder group on Disproportionality and we are back on track for ODE to roll out their plan on disproportionality. Kara stated during SAPEC that the plan was to roll this out to Sp Ed Directors at OAPSA's December conference just before the numbers are released in the Sp Ed Profile so we will be prepared for that possible change in our status and know ahead of time what steps to take next. Kara has even updated information to include info connected to COVID now and other current events. Kara will be going into more detail on this at our OAPSA Conference in December.

Be aware - due to the changes required by feds a lot of districts may be very surprised by the change in their disproportionality ratings in December. It's not something the special education director can address alone. It has to be a system change and given the climate now, it's definitely time to address this. So ODE is already involving BASA and both Principal Associations in this process and literally everyone that was at the Sept Stakeholder meeting in Sept 2020 thought ODE needed to move ahead with this asap. SST's will be trained to support districts. Kara will cover all of this in detail with us in December. We viewed a video clip that will be shown at OCALICON in November. It features OAPSA member Elizabeth Kimmel from Shaker Heights who identifies herself also as a member of that Disproportionality Stakeholder Workgroup 2018 -2020. She takes every step one step at a time but you have to be fully engaged in this one to really understand the impact of the new regs and how to do the calculations.

Monica Drvota, Associate Director OEC **introduced new assistant directors** in OEC.

They are:

Heidi Kleinman (dispute Resolution)

Maria Lorh (Gifted)

Andres Faulkner (Urbana Support)

Sarah James (Resource Management)

Monica reviewed Each Child Means Every Child plan which is being reviewed by Supt De Maria. ODE has created a data story for each of the 11 districts and narratives will be reviewed by SAPEC.

Office of Early Learning and School Readiness will begin providing early childhood updates during each SAPEC meeting. Jody Beall provided updates today. Preschool Sp Ed rule is currently in process. The rule will go to full board next week that will move to CSI and JCAEE. They hope it will stay on schedule for July 2021 implementation. They are working on a guidance document regarding least restrictive environment for preschool population. Ohio is one of 5 states who received a grant from the Early Childhood Technical Assistance Center. The grant will support children from birth through age 5. A state leadership team has been established and is meeting frequently to help move the work of this grant forward. The team is also creating action plans to ensure there is inclusion for students with disabilities in that grade span as well. Early Childhood has received a grant for supporting early childhood professionals. This grant is in partnership with the Department of Developmental Disabilities. The five-year project will create and deploy a 2-year program that includes a one-year learning portion and one year of mentorship for professionals who are already teaching in the field. The intent is to increase professional leadership capacity.

Highlights of December 3, 2020 SAPEC Meeting

Updates from OEC: Monika Drvota, Associate Director (Program) OEC, introduced two more new assistant directors: Heidi Kleinman in Dispute Resolution (previously complaint coordinator) and Sarah Buoni moved up to Assistant Director level. JoHannah Ward updated us on Special Education profiles. The Special Education Profiles were not released in spring due to the pandemic and the fact districts just weren't in a position at that point to address what needed to be addressed within the specified timelines. US Dept of Ed gave no waivers due to Pandemic so Ohio has consolidated required actions for 19-20 and for 20-21. One or both years may trigger an action but districts only have to prepare one plan for that action(s) – not two plans. Profile releases would be done in two phases with first phase in December and next phase in April. They are working on joint guidance and resources for Dept of DD including three new rules related to County Bd of DD including standards for chartering in hospitals,

special education schools, and fiscal components. Full rules (Operating Standards) still on track to go to Board in February.

Complaint Update

A complaint had been filed by group of attorneys regarding multiple students with disabilities in Toledo not receiving services in spring 2020. ODE did intensive investigation and basically found 3 groups of students with disabilities in Toledo in connection with what happened last spring when school buildings were closed to students

- 1) Students with disabilities received services last spring as described on IEP and families were happy with services
- 2) Students with disabilities didn't receive services as described on IEP
- 3) Students with disabilities had some tech concerns that limited ability to provide services

So, one of those groups will be getting 44 days of compensatory services. Other group will be getting half that number of compensatory days.

What it came down to was individual teachers who were perhaps not as competent with using virtual tools. They did find that Toledo had offered good training for IS on virtual learning last spring. ODE felt that the district was doing a very good faith effort last spring.

Early Learning Updates

They hope to implement 3301-51-11 Preschool Special Education Rules by July 1 but does still have to JCAR. Wendy Grove is in charge of the Personal Prep Grant and they need members for a work group asap. They hope to meet in January to work on this. I checked and they would love to have a representative from OAPSA.

PBIS in early childhood is moving out of school setting to include Headstart which is very exciting but will be slow process. As an outcome of a focus group of parents discussing how website could be more helpful to them, ODE will be improving web pages for families and Early Childhood is working with OEC on this based on parent feedback.

11 Districts Overview

History: The Doe lawsuit was originally filed in 1993. Original lawsuit was related to funding but then students with disabilities were added to the lawsuit. Lawsuit was filed by Disability Rights Ohio. Settlement agreement was finalized on March 2, 2020. Agreement is a 5-year plan to improve support for special education. Create measurable improvements in student performance.

The eleven districts involved in Settlement Agreement are Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, East Cleveland, Lima, Toledo, Youngstown, and Zanesville.

Advancing Equity Through this Plan

- **Though this plan is designed to target Eleven Districts in our state learning will be applied statewide**
- Provide the opportunity to close gaps for students with disabilities who are not currently receiving equitable access
- Greater level of understanding that our districts need to support students with disabilities

Provisions of the 11 Districts Plan include:

- Increased Focus on Language/Literacy *
- Capacity of Urban Support Team
- PD and Technical Support for IEP teams
- PD for Leadership and Teachers with emphasis on LRE and Achievement
- Improving School Climate and Implementation of PBIS*
- Implementation of MTSS
- Supports for Districts Developing own Plans
- Sanctions for Districts Failing to Met Own Plan
- Post-Secondary Transition *
- Universal Design for Learning and Assistive Technology
- Parent Understanding of Rights Past Grade 12

***Plans we discussed in facilitated small groups and provided feedback then in large group on what needed to be clearer and what needed to be added**

Each Child Means Each Child - Joe Petrarca, Associate Director

Each Child Means Each Child, is Ohio's plan to improve the learning experiences and outcomes for students with disabilities. As you know Ohio's Strategic Plan for Education is ***Each Child Our Future***. The plan is the result of the recommendations of workgroups, information from stakeholders and the results of the surveys, focus groups, townhall meetings and student interviews.

The Guiding Coalition was formed this fall and met for first time in October. The purpose that Guiding Coalition is to advise OEC on the development of a 5-year implementation plan for ***"Each Child Means Each Child"***. Our next meeting will be in January.

With the work being done on 11 Districts Plan, Disproportionality, and the Guiding Coalition it's truly a busy and exciting time in Ohio as we seek to ensure that each child means each child.

Respectfully Submitted,

Donna Stelzer,

OAPSA Executive Director