Louisiana Believes

Special Education Advisory Panel Meeting
July 12, 2017

DEPARTMENT of EDUCATION

Public Comment Procedures

Public Comment Overview

- Comments will be allowed on all agenda items for a maximum of three minutes per person
  - The panel will receive all comments and may engage in further dialogue on the agenda item as a result of the comments received
- A person may only comment once per agenda item unless allowed an exception by the chair
- Comment cards must be submitted to the chair or LDE staff member prior to the vote on the motion
- The order and time of comment is left solely to the chair
- Persons making public comments shall identify themselves and the group they represent, if applicable
- Persons addressing the panel shall:
  - confine remarks to the merits of a specific agenda item before the panel
  - refrain from attacking a panel member's motives
  - address all remarks through the chair
  - refrain from speaking adversely on a prior action not pending
  - refrain from disturbing the meeting

Approval of March 29, 2017 Meeting Minutes

Objectives

- Approve minutes of March 29, 2017 meeting

Consideration of a discussion of the role of the Special Education Advisory Panel

Objectives

- Understand the advisory role of the special education advisory panel
- Discuss panel meeting dates and membership
- Determine structure for annual report

Panel Bylaws

- Bylaws are the procedures that provide guidance to the operation of an organization and include:
  - Purpose of the panel
  - Duties of the panel
  - Membership roles, selection, terms, and expectations
  - Chairs
  - Meeting norms
  - Quorum
  - Proxy
  - Public Comment

Purpose and Duties of the Panel

The SEAP is established in accordance with the requirements of the IDEA and provides policy guidance with respect to special education and related services for children with disabilities in Louisiana.

Specifically the SEAP will:

- Advise the LDOE of unmet needs within the state in the education of students with disabilities;
- Comment publically on any rules or regulations proposed by the state regarding the education of children with disabilities;
- Advise the LDOE in developing evaluations and reporting on data to the U.S. Secretary of Education under section 618 of the IDEA;
- Advise the LDOE in developing corrective action plans to address findings in Federal monitoring reports under Part B of the IDEA; and
- Advise BESE and LDOE in developing and implementing policies relating to the coordination of services for children with disabilities.

Official Business Meeting Dates

2017

- Wednesday, July 12
- Wednesday, September 27
- Wednesday, November 15

2018

- Wednesday, January 24
- Wednesday, March 28
- Wednesday, June 20 (Retreat)
- Wednesday, July 11
- Wednesday, September 26
- Wednesday, November 14

* All panel meeting are from 9:30-12:30 in the Claiborne Building

Setting the Agenda

Items may be recommended for the agenda by BESE, LDOE, or SEAP member.

- Agenda items are due four weeks before the meeting date:
  - November 16th = October 19th
  - January 25th = December 28th
  - March 29th = March 1st
  - July 12th = June 14th
  - September 27th = August 30th
  - November 15th = October 18th
  - January 24th = December 27th
  - March 28th = January 31st
  - July 11th = June 13th
  - September 26th = August 29th
  - November 14th = October 17th

- Agenda items will be announced via the BESE listserve and social media, and the LDOE website in advance of the meeting

Panel Membership

SEAP bylaws state that the panel will consist of no less than 11 members and no more than 19 members representing one of 11 roles, understanding that panel members may represent more than one role.

- Panel members will serve 3 year terms (each term begins on July 1st and ends on June 30).
- If a member vacates their position a new member will fill the vacancy for the remainder of the term of the previous member.
- Appointments will be staggered so that 1/3 of membership rotate off at the end of each year.
- Members shall serve no more than 2 consecutive terms (must reapply at the end of their term).
- Special rule: a majority of the members should be individuals with disabilities or parents of students with disabilities.

Role	Individual(s)
Parents	Lara Nata, Melvin Porter, Donna Reno, Patsy White
Individuals with Disabilities	Lynette Fontenot
Teachers	Lyndsey Jackson, Joshua Underwood
Representatives of Institutions of Higher Education that Prepare Special Education and Related Service Personnel	Keita Wilson
State and Local Education Officials, including a LEA Special Education Supervisor and an official who carries out the McKinney-Vento Homeless Assistance Act	Carla Parrie, Pittre Walker
Administrators of programs for children with disabilities	Cheramie Kerth
Representatives of other State Agencies involved with the financing or delivery of related services to children with disabilities	Mark Martin
Representatives of Private Schools and Public Charter School	Rae Nell Houston, Andrea Bond
Representative of a vocational, community, or business concerned with the provision of transition services	Libby Murphy
Representative from the State Child Welfare Agency Responsible for Foster care	Toni Buxton
Representative from the State Juvenile and Adult Corrections Agencies	Carolyn McGee
BESE Member	Sandy Holloway

Recommendation

The co-chairs presents the following recommendations for panel consideration:

1.) Solicit applications for the 19th seat on the panel in the category of teacher or State agency providing related services (with preference to given to a parent/ individual with a disability)

2.) At the July 2017 meeting consider revisions to page 2 section 1 of the bylaws to read "The SEAP shall consist of no less than 13 and no more than 23 members appointed from…."

3.) Solicit applications for four additional members from the categories of parents and individuals with disabilities.

Annual Report

Many advisory panels submit an annual report to the State Agency outlining advice to the state on the priority areas that were addressed by the panel during the year. These reports provide info to the State and public of the activities conducted by the panel during the year.

The co-chairs developed a template for an annual report for the panels consideration.

Consideration of a progress update on focus areas for Individuals with Disabilities Education Act (IDEA) funds

Objectives

- Review the process for developing focus areas for IDEA funds
- Understand progress towards focus areas

Background and Development Process for Louisiana's IDEA 611 Draft Grant Application

Historically, Louisiana's IDEA grant applications have been developed with an emphasis on continuing existing activities and partnerships and making minor spending adjustments based on cost inflation and feedback from the field. While there is value in the continuity of how state level IDEA funds are spent, it also limits the states ability to be responsive to current needs of students, LEAs, and the special education community. Therefore, the LDOE committed to taking a hard look at the use of IDEA set aside funds and developing the Federal Fiscal Year (FFY) 17 IDEA grant application based on the current needs of the state.

In the Fall of 2016 the LDOE began analyzing the use of IDEA set aside funds and established a process for developing an IDEA grant application based on set of funding priorities that will address the current needs of our state. As a result the FFY 17 IDEA draft grant application is rooted in a set of guiding principles, priority areas, and proposed activities to be considered for funding by the set aside portion of the grant and will culminate with a competitive search for partnerships to carry out the activities and priorities as necessary.

Funding Priority Areas

Louisiana believes that all students, even those with the most significant disabilities, deserve an education that prepares them to be independent and successful in life after high school. The IDEA FFY 17 draft grant application prioritizes funding activities and initiatives for the 2017-2018 school year that will support:

1. Building a workforce that is prepared to respond to the needs of all students with disabilities;
2. Developing standards aligned tools and resources that support the growth of students with disabilities and minimizes redundant work across the state;
3. Providing support for understanding and appropriately responding to the unique ways different disabilities manifest in the classroom; and
4. Establishing structures that ensure students have their individual needs identified and appropriately supported provided as early as possible and ensure students experience effective transitions to life after high school.

Necessary Activities

In addition to the priority areas, the IDEA FFY 17 draft grant application includes a plan for activities that the state must conduct to ensure the provision of FAPE is available to students across the state.

Necessary Activities:

- Implement a monitoring and complaint investigation system *
- Support the provision of assessment accommodations and implement an alternate assessment
- Employ staff to provide assistance and support to LEAs
- Support the special education services for students enrolled in programs supported by the special school district
- Provide support and professional learning opportunities for families
- Maintain a Special Education Advisory Panel (SEAP) *

* Indicates that this is a requirement of the IDEA

Louisiana's IDEA 611 Grant Application Timeline

- **December 2016 - March 2017:** Work group meetings and consultation
- **January 25, 2017:** SEAP discussion of funding priority areas
- **March 10, 2017:** IDEA grant draft application posted on LDOE website
- **March 29 - April 30, 2017:** Public comment period
- **May 1 - May 8, 2017:** Final revisions to application based on public comment
- **May 9, 2017:** IDEA Part B 611 grant application finalized and mailed to OSEP
- **Summer- Fall 2017:** Louisiana receives IDEA Part B 611 grant award and begins implementing priorities for the 2017-2018 school year
  - This includes releasing competitive applications for partnerships with the LDOE to implement priorities where appropriate

Focus Area 1 Progress

Building a workforce that is prepared to meet the needs of all students with disabilities		
Activities to date	**Projected Funding**	**IDEA Grant Application Category**
Grant awards to Believe and Prepare partners to implement programs focused on increasing the number of special education teachers across the state	$240,000	L
Recruit and implement a cohort of Teacher Leader Advisors focused on producing resources to support special education students	$90,000	J
Total to date	$330,000	
Remaining Balance	$1,394,630	

Focus Area 2 Progress

Developing standards aligned tools and resources that support the growth of students with disabilities and minimizes redundant work across the state		
Activities to date	**Projected Funding**	**IDEA Grant Application Category**
Regional technical assistance and professional development on using technology to support students with disabilities in the classroom	$1,600,000	O and P
Total to date	$1,600,000	
Remaining Balance	$9,160,100	

Focus Area 3 Progress

Providing support for understanding and appropriately responding to the unique ways different disabilities manifest in the classroom		
Activities to date	**Projected Funding**	**IDEA Grant Application Category**
Implementation partnership to provide statewide capacity building for Autism and Related Disorders	$500,000	M
Grant awards to support regional implementation of Positive Behavior and Intervention Supports	$425,000	K
Round 1 implementation of the high cost services program	$4,000,000	U
Released RFA to identify partner to provide statewide capacity building for supporting students with disabilities who have complex medical needs	$160,000	M
Total to date	$5,085,000	
Remaining Balance	$1,093,320	

Focus Area 4 Progress

Establishing structures that ensure students have their individual needs identified and appropriately supported provided as early as possible and ensure students experience effective transitions to life after high school		
Activities to date	**Projected Funding**	**IDEA Grant Application Category**
JAG AIM High awards to LEAs to support middle school students with disabilities with leadership and career preparation skills	$147,720	Q
Released RFA to identify regional partnerships between LEAs and/ or institutes of higher education building post secondary programs for students with significant disabilities	$350,000	Q
Released RFA to identify university partner to support schools with building structures for appropriate identification of special education needs	$150,000	M
Total to date	$330,000	
Remaining Balance	$1,394,630	

Other Activities Progress

Necessary Activities		
Activities to date	**Projected Funding**	**IDEA Grant Application Category**
Released two RFAs to provide support for families of students with disabilities. One RFA is specific to regional support for	$650,000	J
Total to date	$650,000	
Remaining Balance	$8,497,944	

Consideration of a discussion of federal regulations for significant disproportionality

Objectives

- Understand the background and timeline for implementation of the new federal rule
- Understand SEAP's role in the implementation of the new rule
- Review the work group recommendations
- Consider recommendations to the work group

OSEP Set New Standard Calculation Methodology

WHAT IS SIGNIFICANT DISPROPORTIONALITY? When a group of students is significantly more likely to be subject to a certain action. We use risk ratios to determine whether significant disproportionality exists. Annually, we determine whether significant disproportionality exists in the **identification**, **placement** or **discipline** of students with disabilities, based on **race or ethnicity.**

WHAT IS CEIS? Any LEA that is identified as having significant disproportionality in one or more categories must set aside 15% of their IDEA Part B funds for coordinated early intervening services (CEIS), and employ other remedies.

OSEP = US Department of Education, Office of Special Education Programs

OSEP Set New Standard Calculation Methodology

WHY ARE WE LOOKING AT THIS ISSUE? While significant disproportionality and CEIS have existed in Louisiana for a number of years, conditions are changing. OSEP recently issued a new rule that changes the risk ratio calculation methodology for significant disproportionality, and modifies requirements for the use of CEIS. In addition, Louisiana's ESSA plan focuses on early and appropriate identification as an agency priority. These changes provide a unique opportunity to improve the structure, use and outcomes of significant disproportionality and CEIS across the state.

WHAT WILL LDOE DO TO IMPLEMENT THE NEW RULE? To comply with the new requirements, LDOE will

- revamp calculation methodology used to identify LEAs as significantly disproportionate,
- adjust implementation and use of CEIS funds, and
- incorporate children with disabilities ages 3-5 into identification calculations.

Implementation Timeline and Engagement

LDOE will engage with stakeholders to implement the new law over three phases to:

1. Define the calculation methodology for significant disproportionality (SD) in the identification, placement, and discipline of students with disabilities, by race / ethnicity
2. Revamp coordinated early intervening services (CEIS) and support LEAs through the transition
3. Include 3 to 5 year olds in identification analysis

WINTER 2016	SPRING 2017	SPRING 2018	SUMMER 2018	SPRING 2019	SUMMER 2020
OSEP issued final rule governing SD and CEIS LDOE began planning implementation	LDOE begins to meet with stakeholders to define new SD methodology Stakeholder engagement begins & will continue throughout implementation process	LDOE brings changes to Bulletin 1706 to BESE	LDOE submits finalized SD calculation methodology with justifications and changes to policy to OSEP	LDOE makes first annual determination of SD using new methodology LEAs begin using new comprehensive CEIS	LDOE includes 3 to 5 year olds in identification analysis

New Rule Changes How States Calculate Significant Disproportionality

The new rule requires States to annually collect and examine data to determine whether significant disproportionality exists in the **identification**, **placement** or **discipline** of students with disabilities, based on **race or ethnicity.** States must use a standard methodology (risk ratio, alternative risk ratio) to determine if there is significant disproportionality.

As part of the standard methodology, States must develop**:**

- A reasonable **risk ratio threshold**,
- A reasonable minimum **cell size** (≤ 10 is presumptively reasonable),
- A reasonable minimum **N – size** (≤ 30 is presumptively reasonable).

States have the flexibility to:

- Use of to 3 **consecutive years of data** to identify an LEA with significant disproportionality
- Not identify LEAs if they are demonstrating **reasonable progress** in lower the applicable risk ratios in each of the two prior consecutive years

If significantly disproportionate, the LEA must reserve 15% of IDEA Part B funds for CEIS.

Work Group – Goal

The Phase I work group focused on the detailed calculation methodology decisions LDOE must make to implement the new federal rule. In May, the work group met to review and recommend components of the formula that will identify LEAs as significantly disproportionate.

Review included:

- Historical and contextual background
- Federal requirements
- Detailed simulations

Recommendations included:

- The **number of years** to consider when making a determination
- The minimum **cell size** and **N-size**
- The **risk ratio threshold**

Today, we'll share the recommendations from that session, and get your input on our next steps.

The work group will reconvene periodically as the work progresses to advice and inform the implementation of the new rule.

Work Group – Guiding Principals

Louisiana's framework to address significant disproportionality should align with key priorities that expand access to opportunities and improved outcomes for all students with disabilities. The risk ratio calculation methodology should identify LEAs as significantly disproportionate in the identification, placement or discipline of students with disabilities, by race/ethnicity when:

- LEAs have a **systemic actionable issue**.
- LEAs have a truly **significant issue** requiring urgent and sustained attention to resolve.

The risk ratio calculation methodology should:

- **Maximize stability / reduce volatility** so that small changes in population do not lead to wild swings in outcomes.
- Treat LEAs as **equitably** as possible, given their size, considering the limitations inherent in risk ratio calculations.

Taken together, this should help the State to support LEAs to make meaningful change.

Key Decision: Consecutive Years

Recommendation: Use **three years** of consecutive data.

Reasoning

A. LEAs that exceed the risk ratio for three consecutive years show a **systemic issue** that requires sustained attention.
B. Risk ratios are relatively volatile calculations. Relatively small changes in population can have a significant impact on outcomes. LEAs, particularly mid to small size, have more volatility. Requiring three years of consecutive data **reduces volatility**.
C. This would increase **alignment** with other department-wide initiatives. Under ESSA, LDOE will use three years of consecutive data before designating a school as comprehensive.
D. [Dependent] If we enact the **reasonable progress** flexibility, it will be based on three years of data.

Key Decision: Minimum Cell & N-Size

Recommendation: Use a minimum **cell** and **N-size** of 10.

Reasoning

A. A minimum cell and N-size of 10 creates more **stability** in a formula that is inherently more volatile with small cell and N-sizes.
B. This would reduce the possibility of "**false positives**" where an LEA is identified as significantly disproportionate when there is not a significant, systemic issue.
C. An **equitable** calculation methodology should not identify LEAs because of small changes in population.
D. A minimum N-size of 10 ensures this calculation aligns with the subgroup N-size that will be used in ESSA accountability. This will keep accountability **as consistent as possible** for decision-makers in the field.

Key Decision: Risk Ratio Threshold

Recommendation: Use risk ratio threshold of 3.0.

Reasoning

A. Significant disproportionality should signal a **fundamental issue** in the policy, procedures and / or practices of an LEA that **requires intensive, sustained attention** that can be alleviated through the remedies required in IDEA, including setting aside 15% of IDEA funds for CEIS.
B. This allows the Department to target LEAs that have **the most significant disproportionality** across the state.
C. This, combined with other criteria, creates a framework that **increases alignment** with the ESSA accountability system. Specifically, the criteria for comprehensive schools. This will keep accountability as consistent as possible for decision-makers in the field.

SEAP Feedback – Reasonable Progress

Question for the panel: Should we investigate the reasonable progress option?

Reasonable progress is optional under the new rule. If an LEA's risk ratio is above the threshold but the LEA lowered its risk ratio for the two prior consecutive years, the State need not find significant disproportionality.

OSEP has extended this option. In their words, given the time it takes to make systematic change, why interrupt something that is working?

Example:

A State has set a risk ratio threshold for identification of 3.0, and defined reasonable progress to mean a year-to-year decline in risk ratio of 0.5.

	Year 1	Year 2	Year 3	0.5 Decline Each Year?
LEA 1	4.7	3.9	3.2	Yes
LEA 2	3.9	2.6	3.3	No

In year 3, the State need not find significant disproportionality for identification in LEA 1.

Implementation Timeline and Engagement

LDOE will engage with stakeholders to implement the new law over three phases to:

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3. Include 3 to 5 year olds in identification analysis

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Consideration of a discussion of the 2017 Regular Legislative Session as it relates to students with disabilities

Objectives

- Understand new state laws that impact students with disabilities and necessary policy revisions
- Act 146 (2017)
- Act 266 (2017)

Act 146

Act 146 of the 2017 Regular Legislative session revises terminology referring to the deaf and hard-of-hearing community in all administrative rules, policy documents, professional resources, reference materials, manuals, and other publications; to provide for legislative intent; to provide for construction; and to provide for related matters.

Necessary Action: revise any reference to "hearing impairment" to "hearing loss" or "hard-of-hearing" (depending on appropriate context in the specific document)

LDOE Next Steps	BESE Next Steps
Update the special education reporting system to align with recently enacted state law.	Consider technical revisions to bulletins 1508 and 1706 to align with recently enacted state law.

Act 266

Act 266 of the 2017 Regular Legislative session prohibits the use of corporal punishment in public elementary and secondary schools for students with exceptionalities, except gifted and talented students. BESE will consider the following policy revisions in August in order to align with recently enacted state law:

Proposed Additions to Bulletin 1706, Subpart 1, Chapter 5, Subchapter B, Section 530. Authority of School Personnel.

3.) No form of corporal punishment shall be administered to a student with a disability as defined in R.S.17:1942 or to a student who has been determined to be eligible for services under Section 504 of the Rehabilitation Act of 1973 and has an Individual Accommodations Plan.
a.) Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.
b.) Corporal punishment does not include
i.) the reasonable use of necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous objects from a student.
ii.) the use of seclusion and restraint as provided in R.S. 17:416.21

Consideration of a discussion of students with disabilities in Louisiana's Every Student Succeeds Act (ESSA) Plan

Objectives

- Review Louisiana's process and timeline for developing the ESSA plan
- Understand opportunities for students with disabilities in Louisiana's ESSA plan
- Understand next steps with implementation of the Louisiana's ESSA plan

Feedback on Louisiana's ESSA State Plan

- On April 15, following a year of stakeholder engagement and directives received from BESE, the LDE submitted Louisiana's proposed ESSA State Plan to the U.S. Department of Education for review and approval.
- The proposed plan addresses requirements tied to the receipt of federal education funding and sets forth Louisiana's long-term K-12 education plan for increasing student achievement and ensuring equitable student access to a high-quality education.
- Independent organizations have evaluated state plans and issued national reports summarizing their strengths and weaknesses.
- The U.S. Department of Education has begun communicating with states to ask questions and to provide preliminary feedback.

Students with Disabilities in Louisiana's ESSA Plan

In addition to unique improvements to the overall k-12 system, Louisiana's ESSA plan also highlights several important opportunities for Louisiana's students with disabilities:

1. Building a workforce of current and aspiring educators that is prepared to meet the unique needs of students with disabilities;
2. Measuring growth of all students in the accountability system;
3. Rewarding diplomas earned by students who take the alternate assessment in the cohort graduation rate;
4. Establishing structures for early identification of disabilities and appropriate interventions and support; and
5. Providing competitive funding opportunities for schools who need support improving outcomes for their students with disabilities.

Note: The full version of the "Opportunities for Students with Disabilities in Louisiana's ESSA Plan" presentation can be found here.

Timeline for Implementing Louisiana's ESSA State Plan

- The LDE will continue to dialogue with USDOE to address the feedback provided.
- ESSA directs the Secretary of Education to act on state proposed plans within 120 days of submission. Thus, Louisiana can expect a final determination in mid-August.
- ESSA requires many provisions to become effective with the 2017-2018 school year. Specific timelines are outlined within the plan.
- The LDE will recommend that BESE approve adjustments to state policy (bulletins) to align with the state's plan and with related state laws recently enacted by the Louisiana Legislature. Those recommendations are tentatively scheduled for August, but ultimately dependent upon final determinations of the state plan.

Policy Updates

BESE regulations will be revised to align with the state's ESSA plan and recently enacted state laws, as follows:

- Bulletin 118 – Assessments
- Bulletin 111 – Accountability
- Bulletin 1566 – Pupil Progression
- Bulletin 130 – Compass
- Bulletin 741 – Miscellaneous references to above policies

Additional updates will be recommended at a later date for any other items requiring further study and stakeholder engagement.

Policy Updates Specific to Students with Disabilities: Assessments

- Updates to remove outdated language and reflect all assessments aligned to Louisiana Student Standards and Louisiana Connectors for all core subjects
- Updates to reflect new LEAP Connect Exams (formerly LAA 1 and English language proficiency exams) that align to Louisiana Connectors

Policy Updates Specific to Students with Disabilities: Accountability

- Update policy to reflect formula changes as outlined in ESSA plan
  - Academic achievement expectations (what it takes to earn an "A")
  - Measure of student growth in ELA and math
  - Recognizing high school diplomas earned students with significant disabilities pursuing the alternate diploma pathway
  - Phase in of Interests and Opportunities over time
  - Inclusion of English language proficiency within the SPS formula, as required by ESSA
  - Transition plan that adjusts each index in 2017-2018, but allows gradual transition of overall scale (what earns an "A," "B," etc.) between now and 2025
- Comprehensive and targeted support
  - Comprehensive: Any school rated "D" or "F" in the state accountability system for three consecutive years or with an adjusted cohort graduation rate less than 67 percent in the most recent year
  - Targeted/urgent intervention required: Any school demonstrating subgroup performance (with subgroup N=10 or higher) that is, on its own for that subgroup population, equivalent to what would be an "F" rating for an entire school population for two consecutive years

Policy Updates Impacting Students with Disabilities: Pupil Progression

- State law and BESE policy recognized that student test results would be delayed during the years in which the state transitioned to new tests
- For the past three years, 4th and 8th grade promotion requirements have been suspended; however, during that time, BESE permitted students struggling to successfully complete 8th grade to advance to high school through a transitional 9th grade option
- Unless updated, BESE policy now reverts back to previous promotion requirements, which are tied to test results but continue to include a transitional 9th grade
- In August, the LDE will recommend 4th grade promotion policies to retain LEA flexibility with expectations for supports made available to struggling students
- Proposed policy will address unique needs of English learners and students with disabilities (eligible per Act 833 of 2014)

Consideration of a discussion of back to school resources for parents of students with disabilities

Follow-up/ Next Steps