



5 April 2021

Kentucky Board of Education
Office of the Commissioner
Kentucky Department of Education
300 Sower Blvd., 5th Floor
Frankfort, Kentucky 40601

Dear Chairwoman Young, Commissioner Glass, and Kentucky Board of Education members,

We respectfully submit to you the following comments regarding Agenda items as listed below:

1. General Comment regarding Agenda items which include a proposed change to an administrative regulation:
 - a. [Section 1412 \(a\) \(21\)](#)(A) of the Individuals with Disabilities Education Act (IDEA) requires that each State establish and maintain “an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.” Executive Order 2018-581 (July, 2018) established the State Advisory Council for Exceptional Children.
 - b. Under the [IDEA](#), the Advisory Panel is to (among others):
 - “(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;
 - (ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;”
 - c. In Kentucky, the ECE Advisory Panel has several duties, among them:
 - i. Advise the General Assembly, Department of Education, Board of Education, Education Professional Standards Board, and School Curriculum and Accountability Council of unmet needs and desired program changes related to the education of children with disabilities, including proposed corrective action plans and personnel development needs;
 - ii. Review and comment on rules or regulation proposed by the Commonwealth relating to the education of children with disabilities and the procedures for distribution of funds under Part B of Public Law 101-476;
 - d. It does not appear, however, that the State ECE Advisory Panel has reviewed or commented on any of the Agenda items presented for discussion or acceptance today. They are not noted to have been consulted on any of the proposals. Likewise, no other advisory or stakeholder groups related to students with disabilities are noted to have participated in either the development or review of proposed regulatory changes.
 - e. We are troubled by this omission. Since students with disabilities are students first and foremost, any policy or regulation which impacts all

students, naturally also impacts them. It is particularly important, however, that stakeholder groups be involved in the review of changes that will apply specifically to students with disabilities. The population of students with disabilities includes not only students with IEPs, but also students with Section 504 plans and under KY law, also students who are gifted and talented.

- f. We therefore ask that this Board direct KDE to ensure that in the future, appropriate and varied stakeholder groups are provided with an opportunity to proactively participate in the review of proposed changes to regulations.
2. Agenda Item #: XVI.B. Amendment to 707 KAR 1:340, Procedural Safeguards (Second Reading). **Comments:** See #2. We will provide specific comments as soon as possible following review of the proposed changes.
 3. Agenda Item #: XVI.D. *Approval of Amended Federal Perkins Performance Goals.*
Comments:
 - a. The Carl D. Perkins Vocational and Technical Education Act applies to all students, including those with disabilities. Many students with disabilities choose vocational or technical education, yet the State ECE Advisory Council was not included in reviewing the proposed changes to these goals.
 - b. No other stakeholder groups representing students with disabilities or their families appear to have been included in this review. See #2.
 4. Agenda Item #: XVI.E. *Amendment to 703 KAR 5:240, [Accountability] Administrative Procedures and Guidelines*
Comments: See #2.
 5. Agenda Item #: XVI.F. *Amendment to 703 KAR 5:070, Inclusion of Special Populations in the State-Required Assessment and Accountability Programs.*
Comment: See #2. We will provide specific comments as soon as possible following review of the proposed changes.
 6. Agenda Item #: XII.A.6. *Approval of Kentucky Minimum Specifications for School Buses*
Comment:
We are pleased that under the proposed Kentucky Minimum Specifications for School Buses 2022, lap/shoulder belts are required for student seats on all special needs buses (p. 85, XII_A_6_2022SpecificationFinal2252022WithMarkup_0.pdf). We urge that lap/shoulder belts be required for student seats on ALL school buses, and that ALL school buses including activity buses, be equipped to be accessible to all students.



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