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Date: 4/1/21 9:44 AM (GMT-05:00)  
To: "Glass, Jason - Commissioner of Education" [REDACTED]  
Cc: "Hylton, Gretta - KDE Associate Commissioner" [REDACTED]  
Subject: 707 KAR 1:340 & upcoming Kentucky Board of Education meeting

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Hi, hope all is well. As you know we represent persons with disabilities and their parents/families throughout Kentucky. I would like to take a moment to thank you for all you do for our children/youth, parents/families and professionals. In particular, March 30, 2021, in the LSAC meeting in which you shared with the group that a motion on behalf of the group related 707 KAR1.340 Section 3 & 4 to amend KDE's recommended changes replace "LEA" to "ARC" for prior written notice wouldn't be supported by KDE due to violating the procedural safeguards of parental rights under IDEA (300.503) for the purposes of identification, evaluation, change in educational placement and provision of FAPE. The KDE proposed changes to 707 KAR 1:340 Section 3 & 4 would align Kentucky regulations with IDEA (300.503) which clearly defines the written notice be provided by the public agency which is the LEA.

I would like to ask that you share with and ask to be considered as or to make public comment at the Kentucky Board of Education (KBE) scheduled meeting April 7, 2021 in which the proposed changes will be reviewed. I ask the KBE to take into consideration the following based on what was presented by Sheila Mitchell, an LSAC member, who proposed amending 707 KAR 1:340 Section 3 & 4 replacing "LEA" with "ARC." This would be a violation of IDEA and I ask that the board not pass a change that violates federal law. This is a fundamental right in IDEA procedural safeguards and parents/families but more importantly students with disabilities, don't need to take a step back because doing so would infringe on their right to a Free Appropriate Public Education (FAPE). The LEA is the responsible body to ensure federal, state and local laws, policies and procedures are followed. Changing "LEA" to "ARC" would violate procedural safeguards in federal law and would be detrimental to students. In essence by changing this you would be eliminating the possibility of ensuring it would take place. Each ARC is made up with members specific for that student and varies from student to student. The ARC is the IEP team which also includes the parent and student at a minimum at transition age. If by changing the responsible party to the ARC then technically the parent could be held as the responsible party for notifying themselves of a change they would have no idea occurred.

In the LSAC meeting Harry Burchett, an LSAC member, had a great suggestion to ask the KBE to consider having a panel of attorneys experienced from around the state to review. I would like to recommend that panel, if assembled, be a representation of all parties affected by this. I believe that it is crucial to have experienced attorneys not only from school districts but those experienced within our state on behalf of students with disabilities and their parents. I know with great partnership comes great success! Know we are ready, willing and able to continue this great work together for our children! Thank you for your time and consideration. Have a great day!

Thanks,


Rhonda Logsdon,  
Executive Director


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