

# Summary Report

September 12, 2019

## North Dakota IDEA Advisory Committee



Kirsten Baesler, Superintendent of Public Instruction  
Office of Special Education  
North Dakota Department of Public Instruction  
600 East Boulevard Ave. Dept. 201  
Bismarck, ND 58505-0440  
(701) 328-2277 [dpi.state.nd.us](http://dpi.state.nd.us)



## **North Dakota IDEA Advisory Committee Position Statement on a Unified System of Education**

North Dakota shall have a seamless education system that is responsive to the needs of all children, adolescents, and young adults, and their families. Parents and students must be given the opportunity to participate as full partners in all educational endeavors. We must build the capacity in general education for all children, while supporting each individual student's rights and the gains made since the passage of federal legislation in special education. In such a system, all children reap the benefits of a free appropriate public education through effective, research based, instructional programs and practices based on equitable standards with accountability and high expectations for all.

*Approved by the ND IDEA Advisory Committee on September 21, 2001.*

## **ABOUT THE ADVISORY COMMITTEE**

The purpose of the North Dakota Individuals with Disabilities Education Act (IDEA) Advisory Committee is to provide advice and guidance to the Department of Public Instruction with respect to special education and related services for children and youth with disabilities as required by the Individual with Disabilities Education Act (IDEA). The committee provides a forum for issues regarding potential unmet needs of students with disabilities. The advisory committee members are viewed as key agents in their efforts to improve educational opportunities for children with disabilities in North Dakota. One of the most significant contributions each member brings to the committee is his or her representation of a constituency.

The functions of the North Dakota IDEA Advisory Committee are to:

- Advise the Department of Public Instruction of unmet needs within the State in the education of individuals with disabilities;
- Comment publicly on the rules and regulations proposed by the Department of Public Instruction regarding the education of children and youth with disabilities;
- Advise the Department of Public Instruction in developing evaluations and reporting on data to the Secretary of Education under Section 618;
- Advise the Department of Public Instruction in developing a state performance plan and annual performance reports under Part B of the Act;
- Advise the Department of Public Instruction in developing and implementing policies relating to the coordination of services for children with disabilities; and
- Advise the Department of Public Instruction regarding the education of eligible students with disabilities in adult prisons, children with disabilities who are homeless, and children with disabilities participating in child welfare services.

## **MEMBERSHIP**

The North Dakota IDEA Advisory Committee is formed of a broad representation of individuals with knowledge and expertise on needs of children with disabilities. Appointments to the committee are made by the North Dakota Superintendent of Public Instruction for a three-year term. In accordance with the regulations governing the implementation of the IDEA, the majority of members of the committee are parents of children with disabilities or individuals with disabilities. The remaining members of the committee represent a variety of stakeholders concerned with, and involved in, improving results for children with disabilities attending public schools in North Dakota, state supported educational programs, private schools, juvenile and adult correctional facilities, state human service agencies, and higher education representatives.

**STATE ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN WITH DISABILITIES  
2018-2019**

**CHAIR: Shannon Grave  
VICE CHAIR: Dr. Patti Mahar**

**CONSUMERS (2)**

Mathew McCleary (09/30/2019)  
2252 Lacorte Loop  
Bismarck ND 58503  
[mmccleary@ndffcmh.com](mailto:mmccleary@ndffcmh.com)

**PARENTS OF INDIVIDUALS WITH DISABILITIES (5)**

Shannon Grave (09/1/2020)  
4421 Sunset Blvd  
West Fargo ND 58078  
701-200-5421  
E-mail: [shannon.grave@email.und.edu](mailto:shannon.grave@email.und.edu)

Renee Wetzsteon (9/1/2019)  
PO Box 404  
Hazen ND 58544  
[rwetzsteon@ndffcmh.com](mailto:rwetzsteon@ndffcmh.com)

Patti Redding (9/1/2019)  
415 Colton Ave  
Burlington ND 58722-2110  
Email: [redd5star@hotmail.com](mailto:red5star@hotmail.com)

Ashley Bauer (9/1/2020)  
104 Riverdale Avenue  
Mandan ND 58554  
701-934-2336  
[Ashley\\_bauer@yahoo.com](mailto:Ashley_bauer@yahoo.com)

Vicki Peterson (9/30/2020)  
319 Aspen Avenue  
Bismarck ND 58503  
701-258-2237  
Email: [vickiasdc@bis.midco.net](mailto:vickiasdc@bis.midco.net)

Amber Morrell (9/1/2021)  
2503 County Road 82  
Saint Anthony ND 58566  
Email: [amberdawner2001@yahoo.com](mailto:amberdawner2001@yahoo.com)

Aleja-Laura Larson (9/1/2022)  
2223 E Rosser Ave  
Bismarck ND 58501  
701-751-3050 ext. 104  
[llarson@northlandhealth.com](mailto:llarson@northlandhealth.com)

**STATE AND LOCAL EDUCATION OFFICIALS (3)**

Debra Huber (9/1/2021)  
ND Department of Career and Technical Education  
State Capitol - 15th Floor  
600 E. Boulevard Ave. Dept. 270  
Bismarck ND 58505  
701-328-3180 (w)  
E-mail: [dehuber@nd.gov](mailto:dehuber@nd.gov)

Barbara Burghart (9/1/2021)  
Program Administrator  
Division of Vocational Rehabilitation  
1237 W Divide Ave Suite 1B  
Bismarck ND 58501  
Phone: 701-328-8927  
Email: [bburghart@nd.gov](mailto:bburghart@nd.gov)

Amanda Meiers, Principal (9/1/2020)  
Lewis and Clark Elem School  
600 14<sup>th</sup> St NW  
Mandan, ND 58554-1899  
701- 751-6505  
E-mail: [amanda.meier@msd1.org](mailto:amanda.meier@msd1.org)

Jodi Webb, Executive Director (9/1/2021)  
Pathfinders of ND  
1015 S Broadway Ste 42  
Minot ND 58701-4667  
Email: [executive.director@pathfinder-nd.org](mailto:executive.director@pathfinder-nd.org)

**STATE AGENCY REPRESENTATIVES (2)**

Jacqueline Adusumilli (9/1/2020)  
ND Department of Human Services  
Division of Developmental Disabilities  
Developmental Disabilities  
Disability Services Division  
1237 W Divide Ave, Ste 1A  
Bismarck, ND 58501-1208  
E-mail: [jadusumilli@nd.gov](mailto:jadusumilli@nd.gov)

Lucy Fredericks (9/1/2020)  
Department of Public Instruction  
Indian Education  
600 E Blvd Ave, Dept 201  
Bismarck ND 58505-0440  
701-328-1718 (W)  
Email: [lkfredericks@nd.gov](mailto:lkfredericks@nd.gov)

**SPECIAL EDUCATION ADMINISTRATIVE REPRESENTATIVE (2)**

Patty Cummings (09/1/2022)  
Fargo Special Education Unit  
415 N 4th St  
Fargo ND 58102-4512  
701-446-1012  
E-mail: [cumminp1@fargo.k12.nd.us](mailto:cumminp1@fargo.k12.nd.us)

Tracey Zaun (9/1/2021)  
Sheyenne Valley Special Education Unit  
PO Box 359  
Valley City ND 58072-0359  
701-845-3402  
Email: [tracey.zaun@k12.nd.us](mailto:tracey.zaun@k12.nd.us)

**HIGHER EDUCATION REPRESENTATIVE (1)**

Dr. Patti Mahar (9/1/2021)  
Associate Professor/Program Coordinator  
University of North Dakota  
231 Centennial Dr/Stop 7189  
Grand Forks, ND 58202  
Email: [patti.mahar@email.und.edu](mailto:patti.mahar@email.und.edu)

**MEMBERS AT LARGE (1)**  
**CONSUMER/ADVOCATE GROUPS**

Brenda Ruehl, Disabilities Advocate (9/1/2020)  
ND Protection & Advocacy Project  
1351 Page Drive, #303  
Fargo ND 58103  
701-239-7223 (W)  
E-mail: [bruehl@nd.gov](mailto:bruehl@nd.gov)

**EDUCATORS/RELATED SERVICES (2)**

Penny Breuer (9/1/2019)\*  
Bismarck Public Schools  
5355 34 ½ Ave  
Mandan ND 58554  
Email: [penny\\_breuer@bismarckschools.org](mailto:penny_breuer@bismarckschools.org)

Colette Fleck (12/1/2019)  
Standing Rock Community School  
9189 Hwy 24  
Fort Yates ND 58539  
Phone: 701-854-3461, Ext. 3119  
Email: [Colette.Fleck@k12.nd.us](mailto:Colette.Fleck@k12.nd.us)

**NON-PUBLIC SCHOOLS (1)**

Valerie Kuntz (9/1/2022)  
St. Mary's Elementary School  
807 Thayer Ave  
Bismarck ND 58501-4466  
701-223-0225  
701-250-9918 (Fax)  
Email: [vkuntz@lightofchristsschools.org](mailto:vkuntz@lightofchristsschools.org)

Tina Degree (9/1/2020)  
Dakota Memorial School  
PO Box 5007  
Minot ND 58702-5007  
701-857-4211  
Email: [t.degree@dakotaranch.org](mailto:t.degree@dakotaranch.org)

**STATE JUVENILE AND ADULT CORRECTIONS AGENCIES (1)**

Penny Veit-Hetletved (9/1/2020)  
ND Department of Corrections & Rehabilitation  
3100 Railroad Avenue  
Bismarck, ND 58502  
701-328-6707  
E-mail: [phetletved@nd.gov](mailto:phetletved@nd.gov)

**BUREAU OF INDIAN AFFAIRS REPRESENTATIVE (1)**

Debbe Poitra (9/1/2020)  
Federal Programs Officer  
Belcourt School District  
PO Box 440  
Belcourt ND 58316  
701-477-6471 ext. 3299  
Email: [debbe.poitra@k12.nd.us](mailto:debbe.poitra@k12.nd.us)

**STATE CHILD WELFARE/FOSTER CARE (1)**

**STATE/LEA OFFICIAL HOMELESS ASSISTANCE (1)**

Beth Larson-Steckler (9/1/2022)  
Program Administrator Title Programs  
Department of Public Instruction  
600 E Blvd Ave, Dept 201  
Bismarck ND 58505-0440  
(701) 328-3544 or [esteckler@nd.gov](mailto:esteckler@nd.gov)

\*Also a parent representative.

## **COLLABORATIVE EFFORTS**

In North Dakota, the lead agency responsible for services for children with disabilities from birth through age 2 (IDEA, Part C) is the Department of Human Services. The lead agency responsible for services for children with disabilities from age 3 through 21 (IDEA, Part B) is the Department of Public Instruction. Since September 2002, the ND Interagency Coordinating Council (IDEA, Part C) and the ND IDEA Advisory Committee (IDEA, Part B) have recurrently held joint meetings.

## **YEAR IN REVIEW**

The IDEA Advisory Committee held regular quarterly meetings throughout the year. Complete minutes are available on the Department's website.

### **Meeting Summary: September 13, 2018**

The Annual Report for the IDEA Advisory Committee has been completed and approved by the committee.

Mark Gabrylczyk, TAESE was present & held new IDEA Advisory member training.

### **Meeting Summary: December 4, 2018**

**State Performance Plan/Annual Performance Report Data and Progress** – Susan Wagner and Special Education Staff

States are required by law to submit an Annual Performance Report every year to the federal government on the 17 indicators. North Dakota's most recent SPP and APR reports can be found here: [osep.grads360.org/](http://osep.grads360.org/)

North Dakota's most recent OSEP Response Table and Determination Letter can be found here: <http://www2.ed.gov/fund/data/report/idea/partbspap/allyears.html>

North Dakota did not meet the target on these indicators:

- **1** Graduation Rate
- **3C** Proficiency Rate Reading & Math
- **5A** LRE Regular Classroom
- **5B** LRE Separate Classroom
- **6B** LRE Preschool Separate Classroom/School
- **7A** Social-Emotional SS2
- **7B** Knowledge and Skills SS2
- **7C** Appropriate Behaviors SS2
- **10** Disproportionate Representation – Disability Category
- **11** Timely Evaluation Rate
- **13** Transition Planning by Age 16
- **14A** Post –Secondary Outcomes Education

The state improved in 2017-18 on these indicators:

- **2** Drop-Out Rate
- **6A** LRE Preschool Regular Classroom
- **7C** Appropriate Behaviors SS1 & 2
- **8** Parent Involvement
- **14A** Post-Sec Outcomes Education
- **14B** Post-Sec Outcomes Employment
- **14C** Post-Sec Outcomes, Education/Employment

Indicator 1: Graduation Rate: Percent of youth with IEPs graduating from high school with a regular diploma. North Dakota did not meet this target. Students with disabilities in North Dakota can stay in school until they are 21. The target for Indicator 1 is 89%. North Dakota's rate for school year 17-18 was 66.34%.

Matthew asked what was the graduation rate was before 2007?

**Who is most likely to graduate:**

Environment: regular classroom – 75%

- SLD – 80%
- SI – 65%
- OHI – 70%

Ethnicity – White – 74%

**Who is least likely to graduate:**

Environment:

- Students in separate classrooms: 10%
- Students in resource room: 65%

Primary Disability:

- ID – 28%
- ED – 63%

Ethnicity:

- Native American: 53%

Indicator 17: SIMR – increase the graduation rate for ED students as measured by the extended 6-year rate from 60.22% to 66.72% in 2018-19.

Indicator 2: Drop Out Rate: Percent of youth with IEPs dropping out of high school. North Dakota’s rate for this target for school year 17-18 was 16.53%. The target is 18.00% for this indicator.

Indicator 3: Statewide Assessment Participation Rate – Reading. North Dakota’s rate for 3b was 96.58%. The 3b target is 95%.

Indicator 3C: Proficiency Rate – 15.80% for school year 2017-18 for Reading, Math – 14.25%. Grades tested are 3-8 and 11. The target is set by OSEP and is 100%.

Indicator 3 Drill Down:

**Who is most likely to score proficient in reading?**

Overall state rate = 12.5%

- Students in regular classroom: 14%
- Visual Impairment: 19%
- Autism: 25%
- Speech/Language: 25%
- ED: 19%
- White: 14%
- Grade 3: 19%

**Who is least likely to score proficient in reading?**

- Students in resource room: 5%
- ID: 5%
- SLD: 6%
- OHI: 11%

- Native American: 8%
- African American: 12%
- Hispanic: 11%
- Grade 7—10: 7-8%

Discussion:

Indicator 1 - Graduation SWD

- Slight decrease over past few years
- Gap between SWD and SWOD increasing slightly

Indicator 3: Reading Proficiency of SWD

- Slight decrease over the past four years
- Very low – around 12-15%
- Students in the gen ed environment at least 80% of time have the most positive outcomes in terms of graduation and proficiency.
- Students with SLD most likely to graduate, least likely to score proficient in reading.
- Students with ED least likely to graduate, most likely to score proficient in reading.

There is so much focus on schools that are not doing well but maybe change the focus to the schools that are doing well and see what they are doing and what can they teach us.

SLD students graduating but lower proficiency in reading – are they having to read on the screen? It would depend on the accommodations they are being provided. How has taking tests on the screen impacted SWD?

ED students – you need more than reading to graduate. Attendance and engagement is more important.

Success rate of SWD in gen ed – being able to give more support to the general education teachers. Fargo is implementing co-teaching focusing on social-emotional learning.

Indicator 4: Suspension/Expulsion Rate: Rate of suspension and expulsion for students with disabilities for greater than 10 days in a school year. North Dakota met the target for Indicator 4. Indicator 4B is the rate of suspension/expulsion by race/ethnicity. North Dakota met the target for Indicator 4B. The target for 4b is set by OSEP and has to be 0%.

Indicator 5: LRE for students – percent of children with IEPs aged 6 through 21 removed from the regular class, served in public/private separate school, residential, homebound, or hospital. North Dakota did not meet the target. North Dakota's rate was 73.48%. The target for 5A is 77.50%. North Dakota's rate was 5.86%. The target for 5B is 4.75%. North Dakota's rate was 1.56%. The target for 5C is 1.08% for 2017-18.

What disability category is causing indicator 5 not to be met?

Indicator 6: LRE for Preschool Students – Percent of children with IEPs aged 3 through 5 in settings with typically developing peers. The target for 6A is 29.60% for 2017-18. The target for 6B is 26.50% for 2017-18. ND did not meet the target.

Indicator 7: Percent of preschool children with improved positive social emotional skills, acquisition and use of knowledge and skills; and use of appropriate behaviors. North Dakota met the target for this indicator. Indicator 7 data comes from ND Early Childhood Outcomes Summary form from Tienet. The target for 7A1 was 84.00% and 7A2 63.50% for 2017-18. The target for 7B is 84.50% and 7B2 is 55.50% for 2017-18. The target for 7C1 for 2017-18 is 81.00% for 7C2 is 72.50%.

Discussion:

Indicator 6: LRE of preschool students:

- The percentage of preschoolers placed in regular early childhood program increased by almost 4% points this year.
- But the percentage of children attending a separate classroom/facility fairly stable for past four years.

Indicator 7: Early childhood outcomes

- The percentage of students making growth/exiting at age level increased for 7C Taking Action to meet needs but decreased for Social-Emotional and Knowledge and Skills.

Different innovative ways schools are doing that is working. Casselton got some grants to create a separate space for their OT, PT and speech so they can work directly with those students. They are expanding their 3-5 and bringing in SWOD to help with that social-emotional piece.

Increase in a regular early childhood program – schools have taking advantage of some of those grants. Some school districts are hesitated to do this to put private preschools out of business.

Indicator 8: Parent Involvement – percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. North Dakota met the target for this indicator. North Dakota's response rate was 12.7% for 2017-18. The survey is mailed out to parents. Percentage of parents with a child receiving special education services who reported that schools facilitated parent involvement was 72.24%.

Discussion:

1. What do you see that's interesting? We saw that we have some work to do as student's age. Parents felt less involved as students got older. The data could be unreliable since the percentage rate is so low at 12%. The percentage of parents saying neutral – possibly change the scale? Typically, only the parents that are angry are the ones that respond. Is that why the percentage rate is so low? Is outsourcing an option? Use parent organizations? Can the parent survey be given out at the IEP meetings versus waiting until April for it to be mailed out? Online form – work on it in stages and then use a remind app. Social media?
2. What additional disaggregations would be helpful to understand the parent involvement?
3. What are some ideas for increasing response rate?
4. What are some ideas for improving parent involvement?

Indicator 9: Disproportionate Representation – percent of districts that had disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. North Dakota met the target for this indicator. OSEP sets the target for this indicator which is at 0%. In ND, Disproportionate Representation is defined through as a weighted risk ratio of 3.00 and above based on a target n of 10+ and a comparison group n of 10+.

Indicator 10: Disproportionate Representation by Disability Category – percent of districts that had disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. North Dakota's rate was 8.33% for 2017-18. OSEP sets the target for this indicator which is at 0%.

Indicator 11: Evaluation in 60 days – percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days. The data is collected through Tienet. North Dakota did not meet this target. North Dakota's rate was 99.06%. OSEP's target is 100%. This is a compliance indicator so we have to be at 100%.

Indicator 12: Transition from Part C to Part B – percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday. North Dakota’s rate was 100%. The target for this indicator is 100%.

Indicator 13: Transition planning on IEP by age 16 – percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals. North Dakota did not meet the target for this indicator. North Dakota’s rate was 97.87% for 2017-18. The target is set by OSEP at 100%.

Indicator 14: Post-Secondary Outcomes – percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were enrolled in post-secondary education/training or employed. North Dakota’s rate for 2017-18 was 30.89% for Indicator 14A. North Dakota’s rate for 2017-18 was 62.83% for Indicator 14B. North Dakota’s rate for 2017-18 was 85.34% for Indicator 14C. The response rate for this indicator is 27.7%.

Discussion:

1. What do you see that’s interesting? Percentage living with parents – how does that compare to SWD?
2. What additional disaggregations would be helpful to understand the post-secondary outcomes for students with disabilities?
3. What are some ideas for increasing response rate?
4. What are some ideas for improving the post-secondary outcomes for students with disabilities?

Overall state rate was 85% (191 exiters interviewed) – most likely to be enrolled in post-secondary –

- Male: 88%
- SLD – 91%
- Exit code of Graduates: 90%

Indicator 15: Percent of hearing requests resolved through resolution agreements. If states have fewer than 10 they don’t have to report the data.

Indicator 16: Mediation - percent of mediations held that resulted in mediation agreements - if states have fewer than 10 they don’t have to report the data.

Indicator 17: State Identified Measurable Results (SIMR), increasing the graduation rate of student with emotional disabilities. This report goes into OSEP in April.

1. What indicator are you most concerned about?
2. What indicator are you least concerned about?
3. What is an action item you would most like the special education to take?

Success indicator-Suspension rate, Timely evaluation, and disproportionality.

Concern indicator-Proficiency, graduation of ED students.

Social-emotional for preschoolers

ED students – take a look at what needs to change – social-emotional for preschoolers, what can we get those students to graduate.

**Legislative Update** – Gerry Teevens

Teacher contracts – YCC, NDS, A requirement of a report that is filed with DPI on require that the districts continue to report this data.

A bill being file by a legislator– weather related storm days – allowing districts to use technology.

A bill that would give the state superintendent the authority to write administrative rules on Computer Science credential.

A QRS position that is currently in Human Services and moving that to DPI.

A legislator is filing a bill to add an assistant superintendent.

DPI would oppose – remove all DPI credentialing from DPI and moving it to ESPB.

### **Annual Dispute Report – Melissa Olson**

Facilitation – Implementation of IEP – 13%, Present Level – 10%, Adaptations/Accommodations – 10%.

Mediation – Deaf and Hard of Hearing Minutes – 23%

Complaint Investigation – Behavior Plan – 19%, Insufficient – 19%, 12 complaints and 4 were investigated.

### **Length of Term IDEA Advisory Committee Bi-Laws – Gerry Teevens & Shannon Grave**

The IDEA Advisory Committee length of term is three years. There is nothing in the bylaws saying that you can't serve for more than one term. Does the committee want to add additional language to the bylaws clarifying that a member can serve more than one term? If a member is going to be absent please email Gerry or Michelle so that the absent is considered excused. Shannon feels that if a member is willing to serve an additional term they should be able to have that option especially if they consistently come to the meetings and are willing to serve they should be able to serve more than another term. The committee felt that it takes a good two years to learn the terms/language and then your term is up so it would be good to have the option to serve another term. A comment was made that you don't want the committee to become stagnant and want to make sure that you have a fresh outlook. Is it possible to add something to the bylaws for agencies representation is important and since that is the same person their committee term wouldn't expire?

### **Actions Items**

Members may serve up to two consecutive term unless the agency does not have another representative. Members may serve multiple terms but must take a three-year break (one term).

Patti Mahar made a motioned and Tracey Zaun seconded the motion. The committee has approved to add this language to the bylaws.

Upon the discretion of the special education director and the chair that if you have more than one unexcused absence the member will be notified and another individual may be appointed to serve that role on the committee.

Patty Cummings made a motion and Renee Wetzsteon seconded the motion to accept the new language regarding unexcused absence be added to the bylaws. The committee approved the language change.

### **SLP Guidelines – Mary McCarvel-O'Connor**

SLP Guidelines a task force has been created to revise the guidelines. The committee has met once and will meet again in February. The members all have an SLP backgrounds. We have presentation from all universities.

### **Guiding Principles for IDEA Reauthorization – Gerry Teevens and Committee**

Guiding Principle V: Educational leaders should promote a positive school climate

Foundational Beliefs:

3) Feel like from what group is seeing that a lot of teachers do at times use seclusion and restraint as punishment. This is a good belief – we need to do more to flip this to be what occurs.

3) need to further define seclusion, imminent danger to self and others (what does that mean for those students observing the situation that may be experiencing second hand trauma or the teachers that are also experiencing the crisis themselves). For example: a kid is throwing chairs at a door. He is not in danger himself, but his classmates are locked down inside the classroom hearing or seeing the chair thrown consistently at the door.

5) A social worker at each building that is trained to work with students with these needs, trained in trauma informed care would be a great addition to all teams.

5) Budget should increase to allow more money to train all staff! Feel all staff should be trained in early intervention. Would be more ideal to ensure all staff could recognize early signs of escalation to stop it before it gets to restraint or seclusion levels. Maybe there needs to be set required trainings across the state and then allow some flex dollars to use as each district deems appropriate.

6) add “student” to the engagement piece!

These beliefs seem to address physical behaviors but don’t address students with the internalizing behaviors and their need for mental health support.

\*\*In this document the student exits but doesn’t. This addresses more about parents, teachers, etc.

Recommendations:

- 1) Policy on seclusion and restraint – may need to consider how this may need to look different for rural vs. urban districts

Limit SRO response with this population. They are trained so dramatically different. Feel budgets would be better spent on social emotional learning for all students versus increasing the number of SRO’s in buildings. Feel impact would be greater with SEL learning.

Need to find a way to create times for teams that are dealing with crisis response to have time to debrief as a team. Or to know that after a crisis response they do not have to immediately go back to teaching next class but could have a few minutes to take care of themselves and process their emotions. May help to prevent some of the teacher burn out if this occurred.

Students with ED are also more likely to have a chemical dependency issue which means there are more things that may need to be addressed to support them.

Group member suggested looking into research by: Karen Williams on Trauma and brain development.

1. All school personnel including support staff, are trained to use a consistent, evidenced-based array of positive interventions and supports.
2. Parents or caregivers are provided information and an opportunity to engage in discussions surrounding PBIS decision making. Positive Behavior Intervention and Supports (PBIS) or similar-focused evidence-based frameworks are implemented with fidelity in all schools to proactively increase positive student behavior and decrease negative behavior in order to limit the use of suspensions and expulsions that reduce access to instructional time.
3. The use of seclusion and restraints are limited only to emergency where there is an imminent danger to self or others. Group feels seclusion and restraint are used substitutes for proactive interventions and supports and are hoping that to change that belief”
4. Students and all school personnel are free from bullying of all types.
5. Health services including medical, behavioral, emotional, and/or other health impairments where school-based or community-based, are accessible for all students who need them.

6. Meaningful parent engagement is collaboratively designed in order to identify and resolve concerns essential for a positive school climate.

Recommendations:

1. Every state must have a policy in place limiting the use of seclusion and restraint for all students.
2. Facilitated IEPs are an option in dispute resolution. States may add additional options that are unique to the needs of their states.
3. IDEA provides for state and local education agencies to develop and implement alternative dispute resolution systems to more efficiently protect student rights.
4. IDEA must include strengthened language regarding alternate dispute resolution options that encourages the resolution of disputes at the lowest level possible.
  - Seclusion should be reported no matter what
  - Being proactive at the State level
  - Restraint should be for safety, NOT discipline
  - Last resort
  - Define the specifics of what restraint really is...clearer definition
  - Level of mental health and social emotional needs...kids need more! Consultations, support
  - Decompress for educators...need reflection time, not coffee or lunch room talk, real talk about what we need to do for kids
  - Fidelity of CPI from 0-10 and after
  - Definition of a resource room
  - All community providers and schools partnering authentically
  - Wrap around and billing issues. In silos, check out billing methods in MN as care coordination
  - Rapport and trust letting outsiders in...therapies
  - NDDPI offer grants to innovative schools who provide mental health and social services for wrap around
  - We look at how we are going to fix this kid instead of how can we help them and fix the issues
  - Short, purposefully driven
  - Meet the individual needs
  - Secondary trauma of the bystanders.
  - Secondary fatigue of the other people in the room.

**State Systemic Improvement Plan: Next Step – Kevin McDonough**

NDDPI Indicator 17 Continuous Improvement Cycle –

1. Identification of SiMR, theory of action, infrastructure changes, planning model and process, initial TA and PD.
2. Local units conducted planning process, set goals and identify EBPPs that will help reach those goals.
3. Local units began implementation of EBPPs and conducted formative evaluation.
4. Local units continued to implement EBPPs and conducted formative evaluation.
5. This year local units continue to implement EBPPs and conduct informative and summative evaluation. NDPI will evaluate efforts and then plan for the next steps.

Over the past four years of this project, within the infrastructure changes, NDDPI conducted approximately 110 new TA, PD, financial, and advocacy activities that supported local units.

1. Should NDDPI keep a focus on the same target population – students with behavioral, social/emotional, social communication and mental health needs? Yes, the committee recommends that we continue this.

Social/emotional needs to be ratchet up. Without the data it is just your opinion. Importance of fidelity, success stories of schools (recognition of the schools).

2. Should NDDPI keep the same SiMR (6-year extended grad rate of students with ED), or conduct another large group data drill down to identify a new student performance measure? Yes, the committee recommends that we continue with the same performance measure. Is it another 6-year plan? Brenda Ruehl motioned that we keep the same SiMR and Patti Mahar second the motion. The committee approved the motion.
3. Should NDDPI keep the planning model focused on Universal Design for Learning principles and aligned with appropriate and current AdvancED standards and indicators? Yes, the committee recommended that we keep this.

### **Update on Various Behavioral Health Initiatives – Susan Gerenz**

Governor’s appointed Children’s Behavioral Health Task Force (CBHTF). They are proposing the following:

1. Adoption of School Seclusion and Restraint Policy and Practices Guidelines
2. Formation of a State-level Children’s Services Committee
3. Suicide Prevention expansion
4. Bullying Prevention and Intervention
5. Brain Development – a resolution of support to accompany the Department of Health brain injury efforts.
6. Sufficient, Sustainable Funding – proposes to adopt a resolution advocating for setting and sustaining behavioral health funding levels that support prevention measures.
7. Expanded Emergency Care Resources – financial resources to support children/families during crisis or emergencies to secure housing, reduce out of home placements and other supervisory requirements.
8. Juvenile Court Rules for Maltreatment- supports the lowering of evidentiary standard for child maltreatment cases, effectively replacing the clear and convincing standard with the preponderance standard. The CBHTF supports this change to provide mandated treatment/rehabilitative care to families.
9. State and Tribal Service Collaboration – will review current tribal-state agreements to support exchange of information and determine if the taxes generated by alcohol and tobacco can support interests of behavior health, including prevention and treatment.
10. Early Intervention, IDEA Part C – will reach out to the Interagency Coordinating Council, which provides guidance on IDEA Part B and Part C services, to begin discussions regarding current early intervention efforts and what might be required to further enhance these programs.
11. Substance Exposed Newborn Services – assumes responsibility to review and update the findings and proposed work plan of the Substance Exposed Newborn Task Force, and to bring forth its recommendations for final, successful resolution. Initial reports indicate 120 ND infants are born each year who are known to be substance exposed.

The importance of completing the ND Behavioral Health Vision 20/20 Survey was stressed. It will determine behavioral health priorities for the next biennium. Due by 12-4-18. Go to [www.hsri.org/NDvision-2020](http://www.hsri.org/NDvision-2020)

Family First federal legislation – significant changes and increased funding to divert children from entering foster care, reduce the disproportionate # of Native American youth in care, and increase reliance on kinship care rather than group care facilities. Significant resources are dedicated to prevention and early intervention. Lutheran Social Services was awarded the Kinship Navigator grant.

Foster care increased by 41% over last six years. This increase doesn’t include tribal foster care. It has been growing in all regions. The greater numbers are still found in Grand Forks and Fargo area, with the Devil’s Lake Region increasing the fastest. Primary reason for foster care is neglect. Parent substance abuse comes in first for ND for removal, followed by neglect. Native American children are eight times more likely to be in foster care, an increase of 68% since 2012.

**Issues and Concerns in our State:** No issues were brought up.

### **Meeting Summary – March 7, 2019**

**Special Education Office Updates – Gerry Teevens & Special Education Staff**

## **Annual Application under Part B of the IDEA for Federal Fiscal Year 2019**

- Due to OSEP May 17, 2019
- Public Comment 60 days
- Public Hearing April 11, 2019

### Use of Funds

- 2019 Award: \$32,461,481
- Est. Allocation available to Units: \$ 29,868,524 (611) (\$623,530 – Preschool)
  - Question from Debbie Poitra – what formula is used to calculate this? Is it the same formula as title 1? No
- Administration Costs: \$1,092,957.
- Set Aside Funds: State Level Activities - \$2,500,000

### Required activities:

- Monitoring, Enforcement, mediation, transition, and complaint investigation

## **State Performance Plan (SPP) and Annual Performance Report (APR) – Emmanuel Mensah**

- IDEA requirement for State Education Agencies
- SPP is our state plan for improving educational results for all children with disabilities
  - Currently 17 indicators in our plan
    - baseline data, measurable and rigorous targets, and improvement activities
  - Data is collected from all districts
    - data is used to continuously improve state and school district activities

Thus, improving results for all children with disabilities.

### IDEA '04 State Performance Plans 616(b)(1)-(2)(A)(B)

- Plans must establish measurable and rigorous targets.
- States must annually collect data in these priority areas to analyze the performance of each LEA.
- Each state must report annually to the secretary on its performance under its performance plan.
- States must report annually to the public on the performance of each LEA on the targets in the state's performance plan.

The SPP/APR is posted on the NDDPI Special Education web site.

### **Levels of Determination**

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### **Levels of Determination**

- The Secretary annually reviews the State's performance report submitted pursuant to 34 CFR 300.602(b)(2) and, based on the information provided by the State in the State's annual performance report, information obtained through monitoring visits, and any other public information made available, the Secretary determines if the State:
  - Meets the requirements and purposes of Part B of the Act;
  - Needs assistance in implementing the requirements of Part B of the Act;
  - Needs intervention in implementing the requirements of Part B of the Act; or
  - Needs substantial intervention in implementing the requirements of Part B of the Act.
- Questions: Shannon asked if levels of determination are public knowledge? There is nothing in the law that requires this data to be publicly reported. We do report how each district does on each indicator (this determination is only on indicators 4,9,10,11,12, & 13).

### **ND Child Count as of December 1, 2018 – Emmanuel Mensah**

- There were 15,902 students on IEPs.
- An increase of 5% compared to last year's count.
- Nearly 14% of the 2018-19 total Fall Enrollment for PK-12.

### **Adapted Physical Education – Michelle Woodcock**

- It is a direct service, not a related service
- Need to complete an evaluation to add this service or remove
- Least Restrictive Environment applies
- Goal and progress reports are also needed
  - Patti Mahar reported that she is working with the UND Physical Education department and they are in the process of developing a certificate program (would require 18 credits) for PE teachers to have more knowledge in this area. She thinks it may be ready to start next Fall.

## **OT/PT Guidelines – Michelle Woodcock**

- A group of 17 OT/PT's from across the state met on February 13<sup>th</sup> to start writing guidelines. Group includes university representation as well as Unit administrative reps.
- The group reviewed guidelines from other states and formed an outline of what they want to include in this document.
- Work group will meet again on April 10<sup>th</sup>.

## **SLP Guidelines – Mary McCarvel-O'Connor**

- Met on Feb. 12 with committee members from across the state including universities
- Revising prior guidelines. This was day two of work group and hope to have them finished after next meeting in April.

## **State Systemic Improvement Plan – Kevin McDonough**

- Current year target 63.22% actual 66.4% (passed target this year, but was some slippage from prior year due to cohort size)
- Next year target is 66.72%
- 2019-2020 will begin a new cycle
- Recommendations: continue same supports from DPI, use continuous improvement to increase student engagement, use same planning model with focus on Standard 2, Indicator 3
- Discussion – should we use graduation rates or proficiency rates to measure student engagement? (That is the only data the state is able to obtain and sort down to the student level).
  - Karen S. – interested in graduation rates vs. proficiency rates as they likely tie together. Seen kids graduate that were not proficient, seen kids not graduate that were proficient. How does this all tie together?
  - Tracy Z. – stated directors were more focused on success of interventions for kids with ED at a younger level. Feel over time that if we catch them younger graduation rates will increase. Trying to be proactive versus reactive after they did or didn't graduate.
  - Beth S. – curious to see proficiency data on kids that did not graduate
  - Shannon – have you looked at attendance rates of younger kids (where implementation is happening currently?) to see if changes are happening now? Kevin stated we can't review attendance data, so right now we can't tell
  - Kevin called for a vote and it was unanimous for graduation rates. Asked if preference for 4- or 6-year grad rate. Matthew asked if we could continue with 6-year rate, but still note data for 4-year rate. His worry is that the bar will be lowered if too much emphasis is on the 6 year rate. Maybe kids should be pushed more to go forward (should be the exception, not the rule). Kevin stated it is easy enough to bring data for both rates. Decision – focus will be 6-year rate but bring data to IDEA to dig into 4-year rate.
  - Asked about expanding category or age limits – Debra H. suggested keeping things the same so that we have better data over time to analyze how our work continues and impacts over time. Matthew agreed we don't want to be too quick to throw out data.

## **Legislative Update – Gerry Teevens**

- Many bills this session are on mental health. So, DPI has been working closely with the Dept. of Human Services.
- Dyslexia bill has passed the house and is going to the senate. The bill requires screening and teachers would need a dyslexia credential (currently no university in the state offers this credential). Superintendent supports bill as it supports our goal for all children to be able to read and be Choice Ready. Waiting to be heard in the senate.
  - Tracy Z. spoke on behalf of Director's study council – they are opposed to it because the bill is very broad and vague. They are suggesting a study group for next session. States every student

will be screened – doesn't state where it should go from there if they fail the screener. Does it automatically mean you qualify for services? It states REA's will provide training. This will mean financial implications which are not addressed in this bill. For one adult to go to training in MN is \$1500 per person. They will present other options.

- SB2250 - Bill to move funding from the Department of Commerce to DPI's control. If bill is killed pre-school funding grants are not in the Dept. of Commerce budget so funds may be lost. Val asked group to offer support to this bill.
- SB2313 - Pre-School Development Grant – ND was given this grant. Just a little under \$3 million dollars awarded. It is for kids birth through age 5 with many agencies working together. Would create a comprehensive screening and data system. Bill has to pass in order for them to accept the funds. If the bill doesn't pass all those funds are returned. It is written with the DPI appropriations bill.
  - Shannon asked if Val could send out bulleted talking points that could be used in order to allow them to testify or contact their legislators with.
- HB1104 – Debbe Poitra stated if you look up this bill it will allow you to see who is in support and against the pre-school bills.
- Susan prepared a handout titled “Capital Tablet”, which is developed by Dale Wetzel in the Department every week. All mental health bills were rolled into the Human Services bills. In her handout she addressed bills: SB2313, SB2012, SB2291.
- HB1531 - Allows “community experts” to serve as a teacher in areas where there is a shortage of people to meet that need. Currently special education is still listed in the bill as an area someone with community expertise can fill.
  - Shannon asked if talking points on this bill can also be emailed out. Gerry also pointed out that the Capital Tablet is posted on our web-site weekly.
  - Mary discussed how a bill on loan forgiveness is being heard to. In the bill they forgot to give special ed units any slots – yet each gen ed district gets 2. So, if a special ed teacher is needed to be hired the director has to ask a gen ed district for one of their slots.
- SB2027 – expands the definition of Brain Injury. This does not change the definition in our setting. However, it can expand services for those with disabilities in our area.
- Seclusion & Restraint – Shannon questioned what happened with the bill that it didn't pass? Struggles with definitions of restraint. Questioned a lot about mental health supports Michelle W. felt they thought the human services bills would provide services they felt would support this. Also, asked about national bill. Currently there was a hearing and it was posted online.

### **NASDSE Guiding Principles for IDEA reauthorization #7 – Gerry Teevens & Committee**

Education and other agencies at all levels of government should be explicit with respect to interagency coordination and responsibility for the provision of services to students with disabilities.

### **Recommendations for reauthorization:**

- FB#1 – hard to know of those outside of building if needs are truly being met
- FB#2 – Practices don't always line up with policies from one agency to the other. Need more coordinating between agencies. Need more consistency. Not a lot of rules and guidance from the federal level – but yet don't want too much.
- FB#3 – some of the requirements are impossible for the state to meet. Ex: schools are responsible to invite Voc. Rehab to the IEP. There are not enough counselors to attend all of those meetings. We would need to plan better to do this more effectively
- FB#4 – generally believe in this. May want a timeline to review policies
- FB#5 – questions on accountability but agree with compliance with the federal law. Maybe more checks and balances
- FB#6 – agree with this but feel the need for more MOU's available as well
- FB#7 – this could limit or over rule a US Supreme Court Decision. This is not good because it contradicts the Burlington Case
- FB#8 – agree with it

- FB#9 – would like to delete it – sounds like there is an ulterior motive here that could conflict with FAPE. Clarification is needed, or it should be deleted.
  - R#1 – remove the language stating “IEP determines” as it conflicts with Burlington case. Try to add in some private placement when applicable info.
  - R#2 – agree
  - R#3 – delete it – you would basically be redefining FAPE. May change accountability standards.
  - R#4 – like it – make sure language is user friendly
  - R#5 – like
  - R#6 – delete – may rephrase into a wrap around philosophy so all agencies have a voice for each student
  - R#7 – spin more positively – Dept. of Ed and other agencies will provide technical assistance and other policy guidance to meet the needs with each education agency.
- In the explanation under “Guiding Principle VII” need to define “explicit” – more explanation and examples to spell it out.
  - FB#1 – “appropriate” – instruction based on individualized strengths & needs, “should not be exempt” – shall follow, policies...that promote inclusion
  - FB#2 – identify barriers & promote practices that ensure equal access for students with disabilities
  - FB#3 – eliminating (insert) “inconsistencies and...”
  - FB#4 – review & revise programs and procedures that are evidenced based for improving results of students
  - FB#5 – good as is
  - FB#6 – more than RDA & compliance, focus on (insert) “family and student engagement”, positive student outcomes
  - FB#7 – “private school placement” – spell out examples, i.e. if agency placed for other than educational purposes, funds are used
  - FB#8 – didn’t like word encourage – should say “shall drive quality improvement”
  - FB#9 – state and local with input from stakeholders with data analysis shall determine how...
  - R#2 – “clarify” engage stakeholders to identify needed changes in service delivery
  - R#3 – ok
  - R#4 – eliminate “encourage”
  - R#5 – consistent “and aligned”
  - R#6 – insert “educational” decision-making
  - R#7 – OK
- FB#1 – appropriate instruction – maybe based on individualized strength/needs. Should promote inclusion
  - FB#2 – add – identify barriers and identify strategies to increase progress
  - FB#7 – Definition of private school placement – what about unilateral or other placements (ex: residential)
  - R#2 – encourage stakeholders to identify needed changes
  - R#6&7 – need for clarification for these
- Don’t want silo’s like to see items encouraging more active collaboration
  - More communication from IEP teams, especially if students are doing online learning (before starting the class) & flexibility. Who or how is responsible for the communication to happen?
  - Private school placement versus parentally placed in private school
- Group Discussion –
    - Ideally all agencies would be at the table – not currently what often happens here
    - Sometimes a student has more than one team of providers and sometimes parents are getting contradicting messages from each team
    - Lots of situations where kids are moved placements with no input from the IEP team (kid moved into juvenile justice, foster care placement, a private facility kicking a kid out, etc.)

- Could there be phrasing when there is contradictions between federal, state, local agency policy or the area is very grey that says “when the area is grey or contradictory air in favor of the best interest of the child”.

### **Post school outcomes survey – Lea Kugel & Emmanuel Mensah**

- Reviewed data from last years post-school outcomes survey. This is on indicator 14.
- 147 districts participated. 689 students with disabilities dropped out and were eligible to be called. 191 were interviewed. 129 of those pursued some type of education. 148 were employed.
- Discussion on what can be changed to get more participants so that data would have more value – current response rate of last few years has been around 27%
- Currently go through out of state group to complete the surveys. Last year DPI staff made calls also. Recommendation from other states that get 88% accuracy is to bring the interview work back to local staff.
- This summer a change will be to first email students at the last email known for them. After that a state team will call using a script. This group will be made up of volunteers from local units. A student may get up to 5 calls before staff will give up.
- Post school survey is changing to match more of language from Voc. Rehab. Integrated Competitive Employment. Change will take place in 19-20, however NDDPI would like to go forward making changes during the course of this spring and summer. Lea and Emmanuel were seeking guidance from the committee on areas highlighted in blue on the survey handed out. Page 6&7 are questions just for ND. The Transition Community of Practice had suggested them.
  - Q7#3 – Voc. Rehab can no longer count homemaker
  - Q#5 – Would students know what a sheltered setting is
  - Q7#6 – need more clarification
  - Q7b – delete this
  - Q10 – ask this question as answers may tell interviewer answers to next several questions without asking
  - Q12 – reward question to clarify that it is looking at integrated employment
  - Q14 – re-word: Do you feel you are paid appropriately for the job that you are doing?
  - Q17 – keep, maybe reword “health care coverage”
  - Q18 – keep – how does it help us? Pam M. – stated it helps us know if we are hitting the transition benchmarks appropriately. Phrase to also ask if this is their choice to live in that location. Also may show if cost of living and cost of living match.
  - Q19 – clarify Disability Support Services are at college
  - Q20 – add the word reliable into the transportation piece
  - Q21 – has been a valuable question in the past. Many do say no and clarify why

There was no June meeting held.