

# Summary Report

September 10, 2020

## North Dakota IDEA Advisory Committee



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### **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  
2019-2020**

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

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**HIGHER EDUCATION REPRESENTATIVE (1)**

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**MEMBERS AT LARGE (1)**  
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**STATE CHILD WELFARE/FOSTER CARE (1)**

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

\*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 12, 2019**

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

### **Special Education Updates – Gerry Teevens**

2019-20 Federal Allocations:

- IDEA-B Total Allocations - \$32,461,481
- Allocations to Units - \$28,868,524
- Preschool 619 Total Allocations - \$800,000
- Preschool Allocation to Units – 796,150

Current Child Count numbers are not used to figure out IDEA-B or Preschool Allocations. The allocations can be found at <https://www.nd.gov/dpi/education-programs/special-education>

Special Education units have to apply for their IDEA-B and Preschool allocations through the special education grant management system by submitting an application and final report that is approved by the state special education director and the special education fiscal officer.

Staff changes:

Nancy Jo Burke has retired. Melissa Olson and Valerie Bakken resigned their positions. Mark Ehrmantraut has taken the lead for the Sate Systemic Improvement Plan (SSIP) and the dispute resolution portfolios. Angela Shull is the new preschool coordinator. Michelle Woodcock will be taking over 504. We currently have two positions vacant in the special education office.

We held our 3<sup>rd</sup> Special Education Summer Institute in August.

NDDPI is working with TAESE to Develop a ND Web-based Teacher Recruitment and Employment System. We are hoping that this website will help North Dakota recruit staff both at the state level and district level in North Dakota. The open positions will be advertised nationwide. There is no connection with ESPB to this website regarding qualifications for out of state applicants.

NDDPI has a new website <https://www.nd.gov/dpi/> . The reason for a new website is to make it accessible.

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

Deb Poitra: P. 15: How many tribal children in foster care are included in the report?

Make a motion to strike last full paragraph on page 15. Patti Mahar seconded it. Vote was taken. Motion failed.

The IDEA Advisory Committee approved the Annual Report as written. Jessica Howlingwolf made the motion to approve the Annual Report and Nicole Lang seconded the motion.

## SPP/APR Determination/Dashboard – Gerry Teevens/Emmanuel Mensah

### State Performance Plan (SPP) and Annual Performance Report (APR) -

- 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

### State Determinations under IDEA and Results Driven Accountability

- Determinations from the Office of Special Education to the States reflect State performance on results, as well as compliance

### North Dakota Meets Requirements on the February 2019 SPP/APR.

Results Driven Accountability Matrix – Indicator 4B- out of school for more than 10 days, Indicator 9 & 10. These indicators should be zero. OSEP also scores ND on timely and accurate data.

Indicator 3: OSEP didn't feel that there was a consistent measure to compare states so they had decided to use NAEP as a measurement tool for assessment. Discussion is in the works at the Federal Office to omit the NAEP as a measurement for this Assessment Indicator 3.

### North Dakota's Determination

- Based on the APR submitted in February 2019
- Data set is from FFY 17-18 school year except lag indicators which are FFY 16
  - North Dakota received:
    - 18 out of 18 points for Compliance for a score 100%
    - 18 out of 24 points for Results for a score of 75%
  - The scores are then averaged to yield the final percent and determination of
    - 87.5% Meet Requirements (80% and above meets requirements)

### 2019 State Determinations Across the Nation

- 21 - Meet Requirements
- 8 - Needs Assistance
- 28 - Needs Assistance 2+
- 2 - Needs Intervention
- 1 - Needs Intervention 2+

### State Met the target on these indicators:

- Indicator 2, 3B, 4A/4B, 5C, 6A, 7A SS1, 7B SS1, 7C SS1, 8, 9, 12, 14B, 15, 16, 17

### State did not meet the target on these indicators:

- Indicator 1, 3C, 5A, 5B, 6B, 7A SS2, 7B SS2, 7C SS2, 10 (the target is 0 – we had one district that flagged on this indicator), 11, 13, 14A

### State improved on these indicators – 2, 6A, 7C, 8, 14A, 14B, 14C

### State did not improve on these indicators – 3B, 3C, 5A, 5B, 5C, 6B, 7A, 7b, 11, 12, 13

Preschool LRE indicator– A possible reason for no improvement is because ND does not have mandatory preschool. The department has been trying to get the legislature to understand the need for mandatory preschool. NDDPI has been working with districts with training to help provide resources and tools for the district on rating and consistency within the state for Indicator 7.



Indicator 11 – timely evaluation – must be completed within 60 days. Sometimes it is clerical error when districts are out of compliance.

Indicator 12 - Preschool Transition from Part C to B – IEP must be in placed by the 3<sup>rd</sup> birthday.

Indicator 13 – There are eight components of the IDEA transition regulation that must be in compliance for a transition IEP to be totally in compliance.

A more detailed look at the data is available at: <https://www.nd.gov/dpi/education-programs/special-education>

North Dakota has been receiving “Universal Support” from OSEP.

- Differentiated monitoring and technical assistance from the Office of Special Education Programs (OSEP) supports improvement in all States, but especially low performing States - Focus on systemic improvement
  - One comprehensive improvement plan focused on analyzing current system and redesigning as necessary to improve results
  - This year: Targeted Support for the SSIP.

### **Dashboard & special ed dashboard – Emmanuel Mensah**

ND INSIGHTS website <https://insights.nd.gov/>

Is there a federal website that has nationwide data? National Report to Congress on IDEA website.

### **State systemic improvement plan: where we are. where we are going - Mark Ehrmantraut**

State Systemic Improvement Plan (SSIP) Phase III Evaluation

- Reporting on progress including:
  - Results of ongoing evaluation
  - Extent of progress toward short and long-term outcomes
- Revisions of the SPP and evaluation data to support decision(s)

OSEP: Each state develops and carry out a plan to improve a specific student performance measure

- Part of Results Based Accountability
- Part of Continuous Improvement Process

NDDPI developed:

- North Dakota Special Education Program Improvement Model
- Logic Model
- Theory of Action
- Responsibility Chart

Large Stakeholder Group (n=50+) developed ND’s SiMR

- SiMR = State Identified Measurable Result (Our SiMR is: Six year extended high school graduation rate of students with emotional disturbance.)

SSIP – Indicator 17

- Indicator 17. State identified Measurable Result: Graduation rate of students with Emotional Disabilities.

Keep students enrolled in school

Bringing students back to school (re-entry)

Helping students on the path to earning a diploma.

Graduation Summary

- Graduation Rates (4 year)
  - Hovering in the **50% plus range** over the last 5 years (**ED**) (range fluctuates)
  - **All SWD – 68%**
  - **Students Without Disabilities – Around 90%**
  - Dropout Rates

#### ND SSIP

- Just Finished: Phase III, Year 4 (written summaries)
  - Anticipated Beginning Planning for New Cycle
  - Instead Transition Year -Continue Scaling Up as wait for further OSEP Guidance
    - Phase 3, Year 5
- Making a difference
  - FBA's (Functional Behavior Assessments) – 90-100% based on your file reviews
  - That's fantastic (In many cases, started in single digits)
  - BIPs (Behavior Invention Plan) – generalizing to implementation
  - That's where your professional development also comes in
  - Scaling up of EBPP's
  - Professional Development
  - Progress Monitoring – What does this look like?

Most special education units are training in team approach to conducting FBAs and writing positive Behavior Intervention Plans.

OSEP wants to establish a schedule of regular contact to help us improve ND SSIP. We need to do a better job of communicating the data to OSEP. We need to demonstrate at the state level how we are monitoring progress.

#### Year 3, Phase 5 (2019-2020)

- Continue File Review
  - Capacity Building IEPs, FBAs, BIPs – Improve or Sustain
- Continue Scaling Up and Out with EBPP
  - Professional Development & Implementation Fidelity
- Bring Wraparound Supports into the mix
  - This year's disc grant
- Expand to Increase Graduation and Dropout (Elementary **AND** Secondary)
  - Both/And
  - Beginning discussion with National Dropout Prevention Center, Across DPI departments, Other? (Where this goes, we're not sure)
- Continue to align reporting with local districts
- 2020 SSIP Evaluation Template (include thinking about MS/HS & Family/Community Engagement)

#### Action Items

Matthew McCleary would like Mark to share some of the largest special education units SSIP plans. Did the unit's plans change? What was submitted originally? Patty wanted to know why larger units versus smaller units plans? Brenda suggested we take the three largest units and the three smallest units and compare the data.

#### Guidelines Update - Mary Mccarvel-O'Connor & Michelle Woodcock

These guidelines have been updated this year and are available on our website at <https://www.nd.gov/dpi/education-programs/special-education>

- Discipline Regulations Policy Paper
- Guidelines for Serving Students with Speech-Language Impairments in Educational Settings
- Guidelines for Occupational and Physical Therapy in Educational Settings
- Individualized Education Program Planning Process

- Evaluation Process
- Related Service Guidance

Training is going to be provided for OT/PT and Speech-Language Impairments this month. Registration is available on <https://www.nd.gov/dpi/events/otpt-guidelines-and-revised-speech-language-guideline>

### **Update on the dyslexia legislation - Lea Kugel/Amanda Peterson**

HB 1461 – North Dakota is one of many states with dyslexia in the books. Superintendent Baesler was very clear that dyslexia does not just affect special education students. Dyslexia affects all students. The work of this bill has been moved under Academic Support in the department. This bill will ensure that whatever screener a school is using they shall include the core components of phonetic awareness, decoding, and spelling. The bill also has funding attached to it for schools to participate in a pilot program. The applications are due October 1, 2019. The department is looking at funding one or two districts for the pilot program.

### **Out of State Placement Update – Susan Gerenz**

There is a 24% increase in out of state placements from six months ago. New placements in Arkansas. 52% of the placements are 13 and under. Primary risk factors for placement include assaultive or aggressive, sexually reactive behaviors, suicidal ideation, self-harm or destruction of property. Most are special education students. The majority of them had been in North Dakota facilities before being sent out of state. Starting October 1, the length of stay for 13 and under will change to six months of care. For older students, it is 12 months consecutive or 18 months cumulative. Who are the children that are out of state – victims of trauma, polysubstance exposure, PTSD, major depression, anxiety, bipolar and those with low cognitive ability?

### **Issues and Concerns in our State:**

Teacher shortage: Vicki Peterson wondered if state kept data on how many positions were not filled. Efforts being used throughout the state to recruit, train and retain teachers. Patty C addressed how Fargo does this.

Debbie Poitra expressed concerns about the Indicator 8 low response rate. Jessica Howlingwolf recommended that an app be used for the Indicator 8 response survey. Concerns about the low numbers of parents responding. Agenda item for Dec. meeting to discuss more ideas how we can get an increased number of parents to complete the survey. Shannon recommended we put this on the agenda in Dec when we review Indicator 8 data. Parent involvement a real issue. What did Part C do to get an increase in parent survey responses? Jackie indicated they do not have final data yet but will share the Part C parent involvement indicator data when they have it.

The committee approved the March Minutes. Patty Cummings made the motion to accept the minutes and Beth seconded the motion.

Public Comment: No comment.

The December meeting is scheduled for December 11, 2019.

Agenda Items for December meeting:

- Update on shortages across the state (paras if any data)
- Parent Survey (what will it take to increase response rate)
- Tribal Foster Care - Debbe Poitra- Data Available
- Dispute Resolution Report
- SPR/APR Data Review for 2020 submission to OSEP
- Priorities of the IDEA advisory Committee for the 2019-20 school year.

### **Meeting Summary: December 11, 2019**

## SPP/APR Data and Progress – Emmanuel Mensah & Gerry Teevens

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: <https://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>

### Part B Indicators

- 1 Graduation Rate
- 2 Drop-Out Rate
- 3B Participation for the Students with IEPs
- 3C Proficiency Rate Reading & Math
- 4A Suspension/Expulsion
- 4B Suspension/Expulsion
- 5A LRE Regular Classroom
- 5B LRE Separate Classroom
- 6A LRE Preschool Regular Classroom
- 6B LRE Preschool Separate Classroom/School
- 7A Social-Emotional SS2
- 7B Knowledge and Skills SS2
- 7C Appropriate Behaviors SS1 & SS2
- 8 Parent Involvement
- 10 Disproportionate Representation – Disability Category
- 11 Child Find
- 13 Transition Planning by Age 16
- 14 Post-Secondary Outcomes Education
- 15 Resolution Sessions
- 16 Mediation
- 17 State Systemic Improvement Plan

The SPR/APR data is used to help the state determine which special education units will be focused monitored.

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 was 68.48%. The number of youth with IEPs in the adjusted cohort eligible to graduate was 866 students. The number of youth with IEP in the adjusted cohort graduating with a regular diploma was 593.

### Exit Outcomes for Students on IEPs

593 – Graduate

112 – Continued

161 – Dropped Out

### Who is most likely to graduate:

Environment: regular classroom – 77%

- SLD – 82%
- SI – 65%
- OHI – 74%

Ethnicity – White – 72%

## **Who is least likely to graduate:**

### Environment:

- Students in separate classrooms: 30%
- Students in resource room: 55%

### Primary Disability:

- ID – 37%
- Autism: 50%
- ED – 53%

### Ethnicity:

- Native American: 55%
- Black or African American: 56%

### 4-year graduation rate:

- 87.99% All students,
- 90.57% Non-IEPs,
- 68.48% IEPs.

Indicator 2: Drop Out Rate: Percent of youth with IEPs dropping out of high school. North Dakota's rate for this target was 18.59%. The target is 17.00% for this indicator. Number of youth with IEPs in the adjusted cohort dropping out 161.

## **Who is most likely to Drop Out?**

- Students in separate settings: 40%
- Emotional Disturbance: 36%
- American Indian or Alaskan Native: 33%

Indicator 17: State Systemic Improvement Plan (SSIP) – Increase the graduation rate for students identified with primary disability of ED, as measured by the extended six-year rate. Number of youth with ED in the six-year adjusted cohort is 98. Number of youth with ED graduating with a regular diploma within 6 years – 52. Target – 66.72% North Dakota's rate 53.10%.

Q: Is there a way to collect the dropout reason from the student? Indicator 14 collects that data.

What are the primary reasons for students dropping out?

## **Questions & Discussion:**

### **DPI posed Questions:**

- What are your initial thoughts and reactions to the on-time Graduation, Dropout rates and ND SIMR? – What would be the reason for students of color dropping out? It could be culture or economic status. Does the curriculum provide interest association?
- What further disaggregation or analyses might help provide additional insights?
- What improvement activities would you suggest?

Committee members questions and discussion:

Q: Does the state have data on students on IEPs and their socio-economic status that drop-out? The state will look at this and see if it effects the dropout rate. The state is looking at merging the dropout file with the discipline data in order to see what the data shows.

Q: Does the state look at IEP students who are identified as ELL? The state would have to merge two files together to get this data. Graduation file doesn't come with ELL students identified.

Q: Early intervention and how does that effect drop-out rate?

Debra Huber would like to see more data from students on why they are dropping out. If a student flunks middle school and they don't pass a core subject, they have a whole day of subjects they don't like. They decide to drop out because they don't like school anymore. Bruce commented that as a substitute teacher he has seen students with disabilities are sometimes just pushed through the system and they have no interest to continue to go on because they aren't really learning. They are just getting advanced grade to grade.

Indicator 3B: Statewide Assessment Participation Rate – Reading. Students with IEPs eligible to participate in NDSA, NDAA, ACT. North Dakota's rate for 3b was 94.81%. The 3b target is 95%. Indicator 3B: Statewide Assessment Participation Rate – Math. North Dakota's rate for 3b was 95.69%. The 3b target is 95%.

Indicator 3C: Proficiency Rate – 17.00% for school year 2018-19 for Reading, Math – 15.57%. Grades tested are 3-8 and 11. The target is set by OSEP and is 100%.

### **Who is most likely to score proficient in Math only on NDSA?**

- Students in regular classroom: 18.21%
- White: 19.36%
- Grade 3: 26.44%
- Asian: 29.58%
- Speech/Language: 33.18%

### **Who is least likely to score proficient in Math only on NDSA?**

- Students in resource room: 5.35%
- ID: 1.11%
- Grade 10: 4.36%
- With Accommodation: 5.74%
- Native American: 7.17%
- Inside Regular Class <40% of Day: 8.07%
- SLD: 8.88%
- African American: 9.04%
- Hispanic: 9.23%

### **Who is most likely to score proficient in Reading only on NDSA?**

- Inside Regular Class >80% of Day: 16.41%
- Asian: 19.72%
- 3<sup>rd</sup> Grade 23.62%
- Autism: 24.42%
- Speech/Language: 28.98%

### **Who is most least likely to score proficient in Reading only on NDSA?**

- ID: 0.00%
- Residential Facility: 0.00%
- Pacific Islander: 4.00%
- Inside Regular Class 40% to 79% of Day: 4.48%
- American Indian: 7.25%
- Took NDSA with Accommodation: 7.40%
- SLD: 7.69%
- Inside Regular Class <40% of Day: 8.72%
- Black: 9.35%

- 10<sup>th</sup> Grade: 9.51%
- Low Income: 10.84%

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. Twenty-three students with IEPs were suspended for more than 10 days statewide. Students with IEPs statewide 15,902. The rate of suspensions and expulsions is .14%. 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%.

Committee member Q: What does the other category on the discipline incident report entail? This data is collected in STARS by the school health office.

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's rate was 73.12%. The target for 5A is 77.50%. North Dakota's rate was 5.99%. The target for 5B is 4.75%. North Dakota's rate was 1.59%. The target for 5C is 1.08%. North Dakota did not meet the target.

Vicki Peterson is wondering why we are not making progress. The state has looked at the data and has found that there are more students with intense needs which results with more students in less inclusive settings. Fargo has seen an increase in restricted setting because of the research-based interventions now in place.

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%. The target for 6B is 26.50%, ND did not meet the target. North Dakota does not have state mandated preschool programs.

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 challenge here is the casemanager at one district level rates the child on entry and then the child leaves and goes to another district and that district does the exit scores.

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 did not meet the target for this indicator. North Dakota's response rate was (436) 8.2% for 2018-19. 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 71.19%.

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+. There was one district identified for Indicator 9. District currently reviewing their policies, practices and procedures.

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 99.46%. 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 did not meet this target. North Dakota's rate was 99.79%. 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 99.52% for 2018-19. The target is set by OSEP at 100%. There were 413 documents reviewed.

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. There were 793 students in the sample. 280 students were contacted for a response rate of 35.31%.

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.

### **Parent Survey Report & Discussion - Gerry Teevens/Michelle Woodcock**

**What can we do to increase the response rate of the parent survey for Indicator 8?** We have gone to a new set of questions this year. Michelle Woodcock pulled the response rate from last year and the results were very similar to this year. In the past we have done online surveys and the response rate was low. How about a phone app? Parents are more likely to respond to survey from the district versus the state. One idea was to use Social media/parent support groups and ask them to post something on their page saying if they receive this survey please fill it out. If the survey link was available throughout the year you may get a better response rate. How do we ensure that parents have been through the IEP process throughout the year? A link through text message from the school? February and April were suggested for sending out the survey twice a year and maybe that would increase the response rate. Is QR code an option? Is it possible to give away a gift card as an incentive for them filling out the survey?

### **Tribal Foster Care - Debbe Poitra**

Debbe Poitra works for the Belcourt School District. She is the foster care liaison. Indian Child Welfare Act that was enacted in 1978. There were a number of native American children placed in non-Indian homes. In December 2016 the guidelines were updated. The number of Native children in foster care are more than twice as high as the general population. Why are Native American children in foster care, group homes, residential facilities? Loss of people and land because of this law being put in place. People were forced to relocate and that caused people to be spread out across the state. Trauma is transmitted to subsequent generations by children identifying with their parents’ suffering, children being influenced by the style of communication caregivers use to describe the trauma, and children being influenced by particular parent styles. “The impact of elders stories historical trauma and loss was associated with a person’s own traumatic experiences.” Parenting styles can be impacted as a result of trauma. The top reasons children are in foster care:

- Neglect
- Parent Substance abuse
- Child behavior
- Parent incarcerated

Department of Health and Human Services website has all of the contact information and the charts Debbie used during her presentation.

According to that website data, 180 foster youth, 53 (29%) of the student were on an IEP.

January to March – number of licensed foster homes started 1,014 and ended with 1,027. 74 new families were licensed (2% inquired and became licensed)



61 families ended/terminated their license with primary reason for closure as:

- No longer interested
- Moved
- Revocation
- Adoption
- Personal family struggles

### **Action Items**

Have a representative from the tribal foster care office come and give a presentation.

### **Update on Shortages across the State – Gerry Teevens**

There are 24 unfilled teacher positions. They filled several positions, but they were filled with alternate licenses and are not considered highly qualified. There were 34 paraprofessional positions not filled. Special education has a contract with TAESE to develop a Teacher Recruitment website to help districts fill their unfilled teacher positions. It will be ready after the New Year.

### **2018-19 Dispute Resolution Report – Gerry Teevens**

Dispute Resolution Top Issues:

- Behavior discipline
- Accommodations
- IEP implementations

Numbers of Complaint investigations requested don't match the numbers completed. Why?

- Didn't meet the requirements for a complaint investigation to be carried out.
- Complaint was withdrawn by the party filing the request.
- Another dispute resolution option was chosen

Request for IEP facilitation (7)

- Six of the facilitation requests resulted in facilitated meetings and successful IEP completion.
- One IEP facilitation request resulted in the team reaching consensus and party withdrawing request.

Request for mediation (5)

- Three mediation requests resulted in a successful formal agreement.
- One mediation request did not occur when parties withdrew their participation for mediation and choose to submit an IEP facilitation and complaint investigation request.
- One mediation requested resulted in parent withdrawing request and submitting a complaint investigation request after district chose not to participate in mediation.

Requests for State Complaint Investigations (11)

- Four requests met criteria and an investigation was completed
- Three requests withdrew the complaint request
- Four requests did not meet criteria for a complaint investigation

Requests for Due Process Hearing (4)

- Both Due Process Hearing Requests resulted in parties reaching an agreement during a resolution meeting. The parents withdrew the requests.

### **Priorities of the IDEA Advisory Committee for the Year - Committee**

Root cause analysis for why students are dropping out. What strategies are in place? Identify schools with the most success. Share the wealth of information to other schools. Highlight areas and best practices. Have Russ Riehl, Simle Principal present their data and what they are doing.

Where are we at? Crosswalk the mental health with the SSIP plan data. Behavioral Health?

Priority – dropout – inviting Robin Lang to review the Department initiatives– mental health, trauma and highlight on success of districts – what works and what doesn't work.

Suspension/Expulsion data – more data drill down.

Trends and what did you put into place to get those gains. Mental health and behavioral health – what are some schools doing to get better outcomes? Crosswalk with disabilities and mental health – dropout rates. Are we over-qualifying students with ED – mental health factors? Are we providing the right interventions?

## Conclusions

Jessica HowlingWolf made a motion to make dropout the priority for the year and Victoria Johnson seconded the motion. **IDEA Advisory will make increasing graduation rates their focus this year.**

**Issues and Concerns in our State:** Vicki Peterson received numerous referrals regarding suicide attempts. Four out of five students were elementary students. What are schools doing when those students are back in school? What kind of protocols are in place? All five of these students were identified at school. They can't come back to school until they are evaluated by clinical psychologist and they can't get into a psychologist until April. What does a parent do? How do we continue to educate these students that are on an IEP? In the United States we typically see these students doing harm to others. There should be a plan in place before the student comes back but there should be a policy in place to deal with this issue. Families are told to go out of state. Protection and Advocacy works with parents and schools to get a meeting to discuss what is the safety plan when the student comes back to school. We want them back in school, but we need those wrap around services. Is there a fast track to getting an evaluation? West Central has open assessments and they can be evaluated on the spot. We need more social workers and counselors to be aware of services available. Most schools have no idea where to refer parents for services. The only services they are getting are in school because they are receiving special education services. It is a high concern right now. Schools are not mental health facilities and they don't know what to do. Schools can't provide these resources. At what level does this need to be discussed at? The reason Vicki brought this up is because all the students she dealt with are on IEPs. Are parents getting connected to the right people? Maybe connect the parents to P & A. NDDPI's website on suicide prevention. <https://www.nd.gov/dpi/districtschools/safety-health/youth-behavioral-health/suicide-prevention>

## Action Items

The committee approved the September Minutes. Brenda Ruehl made the motion to accept the minutes and Vicki Peterson seconded the motion.

Public Comment: Roxane Romanick. Roxane has a 20-year-old daughter with down syndrome. Roxane is a social worker and has been involved with IDEA and early intervention for 20 years. She is Executive Director of Designer Genes ND. They provide membership support across the state. They have 287 members which they feel is 50% of people with down syndrome.

Roxane has seen two situations where children are exiting early intervention at three and being offered preschool services as outpatient services and not a preschool services classroom. We have a problem with funding for three-year-old children. Services being offered aren't always developmentally appropriate. The issue is supporting caregivers for growth – moving to an IEP when there is no option for services you will see a more direct services approach. Concerned about the lack of options for three-year olds. During legislative session there was an issue brought up to get rid of the 4-year old mark. During the session a heated debate was made that we shouldn't be pushing preschool on three-year old. The district doesn't have a three-year-old district preschool and they aren't taking students with disabilities that are three-year old. They are providing more direct services and that is not the optimum learning style

for a three-year-old. She is concerned with Fargo's level D separate setting and how are they addressing the behavior needs. Are we identifying the needs that we need to? Could there be some guidance provided? Stipulations because the districts don't have three-year-old programs and they can't get licensing. A letter of support from the IDEA Advisory Committee to the Early Childhood Education Committee regarding licensing requirements to support the three-year-old license requirement for preschool. Without this many three-year-olds are not getting access to a preschool environment.

A request was made for a Joint effort between the IDEA advisory committee and the early childhood education committee to create a white paper to create clarity on licensing for preschools in ND.

Recommendation for someone from this committee to attend the early childhood education committee. The meeting is December 17<sup>th</sup> at 11:00 a.m.

The March meeting is scheduled for March 26, 2020.

Agenda Items for March meeting:

- Suicide Prevention and Youth Risk Survey – Robin Lang
- Behavioral Health Representative to discuss behavioral health changes
- Update on the SSIP Plan – Emmanuel Mensah
- Dropout Data – Stan
- Parent Survey Update
- OSEP Changes to SPP
- Transitioning Education and transition planning – voc rehab, mentoring coaches (for June Meeting)

**Due to COVID 19 there was no March meeting held.**

**Meeting Summary: June 25, 2020**

**Special Education Updates – Gerry Teevens**

Rachel Tabler and Karyn Chiapella are new special education employees.

COVID Update – the special education office has been busy since March creating guidance for districts regarding COVID 19 information. There is a smart restart guidance document being created regarding guidance for school districts opening in the fall. <https://www.nd.gov/dpi/covid-19-special-education>

The link to additional resources is available here <https://www.nd.gov/dpi/resource-center>

Special Education Summer Institute is going to be held by webinars throughout the year versus in person training this summer due to COVID 19.

ND Web-based Recruitment and Employment System – <https://schooljobsnd.com/>

Updated and revisions of special education guidelines – OHI guidelines is currently being work on by Susan Gerenz and a workgroup. The group met on June 24, 2020.

Application to Department of Education Leadership Grant – we submitted the grant in April, 2020. This grant will support our special education directors in professional development. This grant would create an academy for training for people interested in becoming a special education director. This would help with the shortage we have in this area.

IDEA Part B Application was submitted May 15, 2020.

- IDEA B Total Allocation                      \$34,006,119

- Allocations to Units \$30,084,753
- State Administration: \$ 1,112,729
- State Set aside \$ 2,807,636
  
- Preschool 619 Total Allocation \$ **858,335**
- Allocation to Units 814,396
- Administration 43,939

*Final allocations for the fiscal year 20-21 are posted on the NDDPI Website <https://www.nd.gov/dpi/education-programs/special-education>*

### **ND Dec 2019 Child Count Information – Emmanuel Mensah**

December 1, 2019 child count – the number of students 3-21 who are receiving special education and related services under the IDEA was 16,459.

Representing over 14% of public school students.

Accounting for 3.5% increase from December 1, 2018.

Among students receiving special education services, over 27% had SLD.

### **SPP Indicators/Insights Dashboard – Emmanuel Mensah**

ND State Performance indicator data is available on this website. <https://insights.nd.gov/>

### **Family Engagement Update - Angela McSweyn**

Lucy Fredericks is the core leader for this group.

What experiences or insights do you have around family engagement? Vicki Peterson is parent of child a with disabilities and works with families across the state. With COVID 19 being a big challenge for schools and parents and the state and governor looking at options of when schools open in the fall – especially for families of students with disabilities is making sure that students are receiving services if there would be an outbreak at a school. The concern is that how students with comprised immune systems and how schools look at more wrap around services. The mental and behavior health on families is huge. Jodi Webb – parents are feeling overwhelmed. The mental health for parents and students is necessary. What supports are going to be available when schools look at restarting? Communication and family engagement is necessary.

Family engagement is one of our primary initiatives at the department. Increased family engagement provides improvement in attitudes, attendance, and performance.

Dr. Steve Constantino – the 7 Big Ideas

- Families are the first and most influential teachers of their children
- Most schools are “adept at engaging the already engaged”.
- Family engagement is not about doing more, but doing what we already do, only differently.
- Family engagement is a process, not an event or a series of events.
- If relationships don’t lead to improved or increased efficacy, the effort has minimal impact with regard to the disengaged
- There is a direct and distinct research correlation between underperforming students and disengaged or disenfranchised families.
- Without a process to build staff capacity to engage and promote family efficacy, the process cannot be sustained over time.

**Family engagement cabinet** – team made up of 24 families from across North Dakota. The cabinet purpose is to allow you to share your experience as a parent, guardian, caretaker, or an educator in North Dakota.

### **Family engagement cabinet Pre-K-12 Alliance Team**

Collaborative Team comprised of:

- ND PreK-12 Educators
- School Administrators
- Families
- Students
- Behavioral Health, (DHS, DOH)
- Head Start
- School Counselor

Enhanced delivery of resources.

Creation of a Family Engagement Toolkit for ND families,

- <https://www.nd.gov/dpi/parentscommunity/parents/family-engagement>

ND Family Engagement Facebook Group.

- <https://www.facebook.com/groups/855606714955377>

Next steps:

- Continued directives from Cabinet and Alliance Teams.
- Ongoing mentorship and support for schools.
- Actively responding to the impact of COVID-19 on ND families.
- Looking ahead at the short and long-term needs of families.
- Evaluation and measurement of impact.

### **SSIP Plan & Advisory Committee - Mark Ehrmantraut**

The SSIP is a **comprehensive, multiyear plan** that focuses on **improving results** for infants, toddlers, children, and youth **with disabilities**.

**State identified Measurable Result (SiMR)** - Improve 6 year extended graduation rate for students with ED. 2017-18 55.6% which is higher than the 6 year rate. 2018-19 56.5% is higher than the 6 year rate for 2017-18.

### **SSIP Revitalization –**

- Build Upon Work to date
  - EBP's
  - FBA's/BIP's
  - Continuous Improvement Alignment
  - Family Engagement
  - Wraparound

### **Common Early Warning Indicators**

- Attendance
- Behavior Incidents
- Course performance

Early warning indicators are symptoms, NOT causes

### **7 Key Areas in the Law**

- 1) Theory of Action

- 2) Infrastructure/Coherent Improvement Strategies
- 3) Evidence-Based Practices & Fidelity of Implementation
- 4) Stakeholder Engagement
- 5) Progress toward Meeting the SiMR
- 6) Scale Up Planning
- 7) Sustainability Planning

**Literacy Grants – Lea Kugel, Mark Ehrmantraut, Angela McSweyn, Susan Gerenz**

**Gifted and Talented Guidelines**

- 1992 Guidelines – Volume I & II Program Handbook
- Facilitators
  - Mark Gabrylczyk/Kimberly Hutter (TAESE), Brenda Ehrmantraut (Academic Support), Lea Kugel (Special Education)
- Stakeholder group
  - University personnel, GT Coordinators/Teachers, Parents, Tribal School
  - 1<sup>st</sup> virtual ‘face to face’ stakeholder meeting
  - 2<sup>nd</sup> virtual meeting scheduled for July 30 – the group will come back together and look at what has been written and provide comments and revisions
- Standards: National Association for Gifted Children (NAGC)
- Content Sections:
  - Definition
  - Identification
  - Programming
  - Curriculum, Instruction, Assessment and Rigor
  - Support and Resources
- Ethical Component: considerations for students with disabilities, students from various socio-economic levels and different cultural populations

**Striving Readers Comprehensive Literacy Grants Updates:**

1. **Gifted & Talented Guidelines Revision (See details above)**
2. **Closing the Achievement Gap**

Top 10 Districts in ND

- Closing Gap between:
- Students with and without disabilities
- Reading
- Graduation
- Math

Participating:

- 10 Districts
- 1 Alternative School
- Currently - Survey key players impacting results
- Fall – Virtual Interviews with key personnel
- Spring, 2021 – Share across the state

3. **Improving Foundational Literacy Through Self-Regulation And Executive Functioning**  
**Striving Readers Comprehensive Literacy Grant 2020-21**

2017 – 15% of all live births have polysubstance symptoms. We are developing a resource guide to build connections for these children and will target ages 3-12.

- Ages 3-5
- K-2<sup>nd</sup> Grade
- Grades 3-5
- Middle & High School Applications
- Self Care
- Resources
- Links For Families & Stakeholders

**Build Skills In:**

- Memory
- Self-Regulation
- Focusing
- Social-Emotional Learning
- Literacy

It takes 5 minutes to build your child’s brain and their power to learn. The team will be dispensing the guide in the Fall across the state.

**Issues and Concerns in our State:** No issues were presented

**Action items**

The committee approved the December Minutes. Jacqueline Adusumilli made the motion to accept the minutes and Vicki Peterson seconded the motion.

Election of Officers: Dr. Patti Mahar was nominated for Chairperson and Jessica Howlingwolf was elected as Vice Chairperson.

Shannon Grave nominated Dr. Patti Mahar for Chairperson. Renee Wetzsteon second the nomination. The IDEA Advisory committee accepted the nomination of Dr. Patti Mahar as Chairperson.

The IDEA Advisory Committee sent out a survey for voting for Vice Chair since there were two people interested in serving. The survey results were compiled and Jessica Howlingwolf was chosen as Vice Chairperson.

The next IDEA Advisory Committee meeting is a Joint IDEA/ICC Meeting and training ICC and IDEA Advisory Committee membership is scheduled for September 10, 2020 at the Quality Inn, Bismarck (location tentative). TAESE is scheduled to conduct the new IDEA Advisory member training at that time.

Jodi Webb – <https://collab.osepideasthatwork.org/SAP-SICC> there is a strategic planning training on June 30<sup>th</sup>.

We need new parent representatives for the IDEA Advisory Committee since we have some members whose membership will expire in September. Please contact Gerry if you have any suggestions.

No Public Comment

Agenda Items for September meeting:

- New Member Training conducted by TAESE
- Part B & C Determinations by OSEP
- COVID 19 Updates
- Part C to Part B Transitions during COVID
- OSEP Guidance on Part B and C Dispute Resolution during COVID