IDEA Advisory Meeting Minutes

JUNE 3, 2021 9:00 AM – 3:00 P.M. VIRTUAL MEETING

Meeting called by	Dr. Patti Mahar, Chairperson
Type of meeting	IDEA Advisory Meeting
Facilitator	Gerry Teevens
Note taker	Michelle Souther
Attendees	Gerry Teevens, Michelle Souther, Lucy Fredericks, Susan Gerenz, Barb Burghart, Dr. Patti Mahar, Emmanuel Mensah, Jodi Webb, Renee Wetzsteon, Mark Ehrmantraut, Angela McSweyn, Tina Degree, Jacqueline Adusumilli, Brenda Ruehl, Amanda Meier, Debbe Poitra, Michael Netzloff, Nicki Kehr, Victoria Johnson, Melissa Casteel, Rachel Tabler, Karyn Chiapella, Colette Fleck

Agenda topics

OFFICE OF SPECIAL EDUCATION UPDATES   GERRY TEEVENS & TEAM

Discussion**: Special Education Office Updates** – Gerry will be retiring in August. Emmanuel Mensah will be leaving in July. Karyn Chiapella will be leaving in June. We have hired a new special education regional coordinator Haley Lang. She will be joining us in June.

December Child Count
As of December 1, 2020...
- The number of students ages 3–21 who were receiving special education & related services under the IDEA was 16489.
- Representing over 14% of public PK-12 Enrollment for 2020-21.
- Accounting for <1% increase from the Dec. 1, 2019 count.
- Among students receiving special education services, over 27% had specific learning disabilities.

There was only a difference of 27 students being served on IEPs as compared to a year ago from Dec. 1 2020. We are unsure if this is because of COVID. The largest increases were in the categories of Autism, OHI, and ED.

Legislative Updates – most education bills that were approved take effect August 1, 2021. The exception are appropriation bills, which take effect July 1, 2021.

Administrative Rules Process
- NDDPI in the process of making several updates to administrative rules to align with bills passed during the session
- Public comment hearing – June 9, at 9:30 am in the Peace Garden Room at the State Capital. (Virtual option also available).
- After hearing, a 10 – day public comment period will take place. Oral or written comment may be provided on any of the drafts of proposed rules. Comments can be sent to Jim Upgren at NDDPI.

Summary of Rules:
- HB 1188 authorizes NDDPI to write rules regarding a Certificate of Completion for a Special Education Technician. A draft of proposed rules has been written by a stakeholder team.
- HB 1416 transfers the work being done in early learning from the NDDPI to the North Dakota Department of Human Services. Admin Code 67.01-01 is being updated to reflect that the Office of Early Learning will no longer be a part of NDDPI.
- HB 1436 removed the requirement of summer school at the elementary level being only for remediation. Admin Code 67-24-01 is being updated to align with the new language.
- Admin Code 67-23-01 (regarding special education) is being updated to include modern terminology. There is some concern regarding the language saying cognitive and this language doesn't match what we have in Tienet and how we report data to OSEP. Public Comment was urged.

NDDPI is on the process of writing proposed rules with stakeholder teams regarding the following topics from bills passed during this legislative session.
- Certificate of Completion for School Health Technicians (as called for in HB 1013)
- Dyslexia Credential (as called for in HB 1131) - Gives the Superintendent of Public Instruction authority to issue credentials for specialists trained in dyslexia and the Superintendent may adopt rules. Administrative Rules will be developed.
- Virtual Learning. Adding two chapters of rules on virtual learning. One chapter on using virtual learning on a storm or emergency day (as called for in HB 1232, and another bill regarding Virtual Academies (as called for in HB 1388).
- Reading Curriculum for Grades K-3 (as called for in HB 1388)
- Learning Experiences Outside of the Classroom (as called for in HB 1478)
- HB 1188 – Special Education Technicians- Gives the Superintendent of Public Instruction authority to issue "certificates of completion" to special education technicians, and to adopt rules to govern the issuance of those certificates.
- HB 1416 Early Childhood Education Programs. Shifts the administration of early learning programs for 0-5 under the Department of Human Services.
- HB 1466 - Establishes a "best in class" early childhood grant program to benefit 4-year-olds. Programs are eligible for a $120,000 grant annually. Directs that the Department of Commerce's early childhood education grant program be transferred to the Department of Human Services.
- SB 2269- Requires the Superintendent of Public Instruction to provide payments to postsecondary transitional programs for eligible students enrolled in a postsecondary transitional program within the state. Eligible student means a student with a

documented intellectual or developmental disability who is at least eighteen years of age but has not reached the age of 21, and who has graduated from high school.
- SB 2332 –Out-of-state alternative certification program. Establishes teacher certification criteria that must be met by alternative teacher certification programs. Brings Special Education back into the areas that an Alternative Certification may be obtained. Abolishes a July 1, 2023, sunset clause for teacher licensure criteria. Requests an interim Legislative Management study of alternative teacher licensure.
- SB 2147 – If a school district's board approves it, parts of the GED assessment, when passed, may be used to help fulfill graduation requirements.

COVID19 Funding
- **EANS Funding**
  - **Emergency Assistance for Non-Public Schools**
- **ESSER I FUNDING**
  - March 13, 2020 – September 30, 2022
- **GEER FUNDING**
  - March 13, 2020 - June 30, 2021
- **EDUCATION CORPS FUNDING**
  - July 1, 2020 – June 30, 2021
- **Broadband Assistance Funding**
  - July 1, 2020 – June 30, 2021
- **Resiliency Grant Funding**
  - July 1, 2020 – June 30, 2021
- **ESSER II Funding**
  - March 13, 2020 – September 30, 2023
- **ESSER III Funding**
  - **March 13, 2020 – September 30, 2024**

State ESSER I Funds Supporting Special Education
- Early Childhood ESSER Funds Invitation –up to $3000.
  - 30 Units applied and received this funding
  - Funds must be expended by June 30, 2021
    - Examples of use of funds:
      - Assessments and training
      - At home learning toolkits
      - SEL Learning
      - Parent training on technology
      - Early Learning TEACCHing and Mullins Scale
      - Mini Learning Centers
- Special Education Units ESSER Funds Invitation - $11,500 for COVID related special education programming needs.
- 24 Units applied and received funding.
- Funds must be expended by Sept. 30, 2022.
- Examples of use of Funds
  - Learning Recovery and recovery assessment tools
  - Visual assessment equipment
  - OT training, sensory room supplies
  - Trauma training
  - Mentors
  - Staff for Summer reading intervention
  - Behavior training and assessments

- The special education office had a contract with Minot State University to train paraprofessionals where they could continue to work as a para while working toward getting a teaching degree. We received additional funding to go toward the Para to Practice Program at Minot State University because of the high demand for recruitment and retention.

NDDPI is extending the deadline to apply for ESSER II funding to **June 30, 2021**. This will allow school personnel to attend the ESSER training hosted by NDCEL on June 3, 2021, and use information learned to make any adjustments to their ESSER II application. Also, stakeholder input is required for the ESSER II applications. The extended due date for the applications will enable districts to get additional input from stakeholders on the use of the ESSER II funds.

- Additional Information on the ESSER I, ESSER II, and the ESSER III can be found on the NDDPI website
  https://www.nd.gov/dpi/familiescommunity/nddpi-updates-and-guidance-covid-19/covid-19-funding

North Dakota ARP ESSER State Plan (ESSER III)
- This North Dakota ARP ESSER State Plan defines our state's approach of using ARP ESSER funds with transparency, effectiveness, equity, inclusive engagement, and strong fiscal safeguards. The plan outlines how these funds will be utilized in North Dakota, describes how we have addressed COVID-related issues over the past year, shares data, and outlines how we have collaborated with numerous stakeholder groups.
- The USED requires states to provide all districts and interested parties in the state with notice and a reasonable opportunity to comment on this state plan. We are distributing this statewide notice in the following ways: by email via the NDDPI distribution lists, the Weekly Blast, a press release, and posting the **ARP ESSER plan on the NDDPI website.**

- Anyone wishing to provide public comment can email their feedback to **dpiasstsupt@nd.gov** or call Laurie Matzke at (701) 328-2284.

American Rescue Plan Act
ESSER III Funds:
    March 13, 2020 – September 30, 2024

Guidance has been sent out and is posted on the NDDPI website. Recorded trainings are also posted on the NDDPI website.

IDEA ARP Funds
- Estimated ARP IDEA Supplemental Grant Allocation

	611	619	Part C
North Dakota	$6,871,953	$441,974	$1,040,479

Guidance forthcoming from OSEP. Allocation tables are expected this week.

FY 2021 Estimated Federal Allocations
- IDEA B Total Allocation $34,969,508
- Allocations to Units 31,024,465
- State Administration: 1,125,890
    - State Set aside 2,819,153
- Preschool 619 Total Allocation 872,429
    - Allocation to Units 827,971
    - Administration 44,458

Final allocations for the fiscal year 21-22 will be posted when we receive notice from the Department of Education.

Dispute Resolution – Mark Ehrmantraut
IEP Facilitation – 4 Filed; 2 Facilitations Completed; 1 in August
Complaints – 8 Filed; 6 Investigated; 3 Corrective Action Plans

1 Complaint: Allegations = No Violations; General Supervision Requirements – Corrective Action Plan

Written State Complaints
Investigations
- Individual Complaints – If violations identified – Required to ensure a systemic concern isn't the cause of the violation
- May find:
    - No violation
    - No violation with recommendation(s)
    - No violation, but corrective action plan under General Supervision requirements
    - Procedural violation, not resulting in denial of FAPE
    - Violation, requiring corrective action plan

General Supervision
- Over the course of an investigation, if substantial violations noted outside of the allegations, the SEA must address it (34 C.F.R. 300.151(b))

2019-20 Prepandemic
1. IEP Issues
2. Behavior
3. Evaluation, Placement, AT
4. Other

2020-21 Pandemic/COVID
1. Failure to Implement
    a. Service Minutes Dropped
    b. Contingency Plans – SDI
    c. Individualization
2. Parent Participation

*Anticipated: Full Complement of Services – units really seemed to work through this

Encourage:
- Communication
- Individual Decisions
- Good Faith Efforts
- Prior Written Notices – Communication
- Reconvening if Necessary

Victoria commented on that the teachers did a wonderful job this year teaching virtually.

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2020-21 Discretionary Funds
- The application process just closed May 28th.
- 14 - Discretionary Proposals Funded
    - $232,974.00
    - The grants were up to $15,000.00
- 9 – Transition Discretionary Proposals Funded $90,000
- The target is specific to transition activities on improving graduation rates. These proposals are $10,000.00.

Early Warning Systems
- Working with pilot schools to see if students are on the path to graduating. Implement interventions and monitor to see if those interventions are working.

NCD Guidelines
Non-Categorical Delay Guidelines Workgroup Comprised of a multidisciplinary group of professionals
- In process of completing a final draft
- Will be edited and reviewed by state team
- Guidance planned to roll out Fall of 2021

SPP/APR NEW CYLE BASELINE AND TARGET SETTING   EMMANUEL MENSAH

Discussion: **Expected Outcomes**
- Review indicator changes and review data on;
    a) Graduation
    b) SSIP-SiMR
    c) Dropout
- Examine baseline and target options
- Discuss and select new baseline and targets-Group activity
- Recommend baseline and targets.

Overview of FFY 2020-25 SPP/APR Requirements
- OSEP has released new measurement table for the FFY 2020-25 SPP/APR.
- States are required to:
    I.   Set new targets for all results indicators
    II.   Establish baseline for new components or revise existing baseline where there are changes
    III. Involve stakeholder groups in the new baseline and target-setting process
- FFY 2020 SPP/APR submission (due Feb. 1, 2022) will include targets and baseline data for the FFY 2020-25 SPP/APR.

Indicator 1: Graduation Rate
- Percent of youth with IEPS exiting from high school with a regular high school diploma.

New baseline Options for Graduation Rate for SWD
- Option 1 -FFY 2018 - 75.24%
- Option 2 -FFY 2020 - 76.12%
- Option 3 - Long-term goal Under ESSA - 71.00%

Jodi asked if we were to go with Option 1 baseline, would we lose the increase observed in 2020? How would the effects of COVID be observed and would that data remain accurate? Emmanuel wasn't sure how COVID will affect the 2020-21 data. He said we expect that we will stay the same or have a slight decline. The pandemic is part of this process. We see similar trends in the dropout data.

Brenda picked Option 2 given this sets the percentage for several years. Will they be considering COVID? I assume the SP Ed units thought this was attainable even with COVID. Jodi recommended going with Option 2 for baseline and Option 2 for target. Barb asked if we picked Option 2 and didn't make the target what happens. There are several indicators that we don't make targets on. If we don't make the target or we slip, then we have to explain on how we are going to adjust those targets. Renee thinks we should use Option 1 because 2020 was also very much affected by COVID.

Target Setting: Additional Questions and Considerations
OSEP's Expectations for SPP/APR
FFY 2020-25 Targets
- Must be rigorous yet achievable
- Must show improvement over baseline
- Must be set with the advice of stakeholders

The IDEA Advisory Committee picked Option 2.

Indicator 17: State Systemic Improvement Plan
North Dakota's State Systemic Improvement Plan (SSIP) State identified Measurable Result (SiMR) is focused on improving the extended six-year graduation rate for students identified as having an emotional disturbance (ED).

New targets options for Indicator 17 Extended 6-Year Graduation Rate for Students with ED

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- Option 1 – 62.72%
- <mark>Option 2- 62.47%</mark>
- Option 3 – 62.22%

Patti, Barb, Jodi and Brenda picked Option 2.

The IDEA Advisory Committee picked Option 2.

Indicator 2: Dropout Rate
Considerations for New Baseline for Dropout Rate for SWD
- Option 1 –FFY 2018 - 19.46%
- <mark>Option 2 –FFY 2020 - 18.38% and FFY 25 16.38%</mark>

Debbe, Jodi, Brenda and Patti picked baseline Option 2 and Target 2 as well.

The IDEA Advisory Committee picked baseline Option 2 and Target 2.

SSIP UPDATES 2020-21 IN REVIEW AND LOOKING AHEAD TO 2021-22   MARK EHRMANTRAUT

US Department of Education – Individuals with Disabilities Education Act (IDEA) (Federal Special Education Law)
- Every State MUST have a SSIP
- Continuous Improvement Process – Improve Results for Students with Disabilities
- Started 8 Years Ago
    - Stakeholders across ND – Determine ND's Focus (SiMR)
    - Report Quarterly to this stakeholder group (IDEA Advisory Council)

ND's SSIP Goal
State Identified Measurable Result (SiMR)
Improve 6 Year Graduation Rates for Students identified as having an Emotional Disturbance.

Mark asked the committee what they thought the 2020-21 graduation rate will look like. Patti thinks the percentage will have decreased due to the pandemic. A lot of college and high school students dropped out because they couldn't do the online. Mark hopes to have the data for the September meeting.

Students identified as having a Speech-Language Impairment 4 years in high school ~~you~~ are 20% more likely to dropout.
Students that are in homebound/hospital or in a residential facility are more likely to dropout.

Dropping out is a process, NOT an event.

All students have hope and dreams.

Last year 36% graduated from high school choice ready.

Why Students Drop Out
- Push – issues from within the school environment that lead to dropout
- Pull – factors from within the students environment that lead to dropout
- Falling Out – student gradually disengages over time, a "side-effect of insufficient personal and educational support" that leads to dropout

Mostly likely to dropout
- Students with Emotional Disturbance: 30.56%
- Students with Speech/Language Impairments: 28.13%
- Students who are American Indian or Alaskan Native: 24.68%

Brenda asked why is a student with speech-language more likely to drop out? If a student is identified with speech-language in high school, school might be hard, and it might be easier to withdraw. Socially they may withdraw. There really is no good answer. Brenda asked does it make a difference with the bigger districts – more resources versus small districts.

Native American – 30% graduation rate – SWD -

Mark is going to be graduation and dropout data for the September meeting.

Community Financial Impact of Dropping Out
$300,000 - $500,000 impact – 1 Dropout

For every 1% of Graduation Cohort who Drops Out ~ $25,000,000
        (76 * $400,000 = $25,000,000 conservatively)

- Reduced Earning Power

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- Reduced Spending Power
- Increased interaction with Community Systems

ND's 4 Year Graduation Rate = 88%

Moving from 20-21 to 21-22 ND's SSIP
- Messaging
- Alignment Efforts
- Pilot Project – Early Warning Systems
- Continue Transition into MS/HS Practices
- Web-Based Document

The goal is to:
- Identify on track / straying off track
- Match interventions
- Monitor intervention success
- Success is getting back on the pathway to graduation

3 high schools last year in the pilot

This year invite in anyone else that want to explore if this is right for their school.

Why do Students Drop Out?
- Missing too Many Days (A)
- Think Easier to get GED (C)
- Poor Grades / Failing School (C)
- Don't like School (B)
- Can't Keep Up with School Work (C)
- Pregnant
- Work
- Not Get Along / Don't Feel Like I Belong (B)

3 R's
- Relevance
- Relationships
- Rigor

NTACT
23 Predictors of Success
Education / Employment / Independent Living

Do Hopes & Dreams Intersect with these Concepts?
- Self-Determination/Self-Advocacy
- Self-Realization
- Goal-setting
- Psychological Empowerment
- Youth Autonomy/Decision-Making

Who talks at Teacher-Led IEP Meetings
- 50% Sp Ed Teacher
- 15% Family
- 4% Student
- 9% Administrators
- 9% Gen Ed
- 6% Support

PIER Tool – the local special education units will be using this web-based document.

Over Time, Intentional, Sustainable Efforts:

- Planning
- Implementing
- Evaluating
- Reporting

IDEA ADVISORY COMMITTEE ANNUAL REPORT   PATTI MAHAR
Discussion: The IDEA Advisory Committee wants DPI to continue to create the annual report for the IDEA Advisory Committee approval.

SUGGESTIONS SUMMARY
Issues and Concerns in our State: No issues.

ACTION ITEMS
The committee approved the March minutes. Victoria Johnson made the motion to accept the minutes and Renee Wetzsteon seconded the motion.

Brenda Ruehl motioned that the committee vote whether to be in person or virtual for the September meeting Renee Wetzsteon seconded the motion. The committee voted for virtual.

The meeting adjourned at 2:43 p.m.

Public Comment: No Public Comment

September meeting is scheduled for: September 15, 2021. This will be a joint IDEA/ICC Committee meeting. The new IDEA/ICC member training will be in the morning. Gerry will contact TAESE to set that up. ICC members will participate as well.

Agenda Items for September meeting:

- SPP/APR Baseline Target Discussion
- Approval of IDEA Advisory Committee Annual Report
- Impact of COVID Discussion
- Summer School Attendance Numbers (ESY)