



IDEA Advisory Meeting

MINUTES

MARCH 19, 2024

9:00 AM – 11:45 P.M.

VIRTUAL MEETING

MEETING CALLED BY	Dr. Patti Mahar
TYPE OF MEETING	IDEA Advisory Meeting
FACILITATOR	Dr. Patti Mahar
NOTE TAKER	Michelle Souther
ATTENDEES	Michelle Souther, Tina Degree, Chris Larson, Debbi Poitra, Colette Fleck, Katy Barnum, Dr. Patti Mahar, Dr. Nicole Reybok, Dean Sturn, Brenda Ruehl, Kayla Stastny, Morgan Edmundson, Jen Withers, Michelle Woodcock, Michelle Pfaff, Jessica HowlingWolf, Tracy Klein, Jodi Webb, Victoria Johnson, Michael Netzloff,

Agenda topics

DISCUSS THE JOINT IDEA/ICC SEPTEMBER 12TH HYBRID MEETING

DR. PATTI MAHAR

DISCUSSION	Katy and Jodi said it is easier to have the meetings virtually. Tracy likes the hybrid option. The committee agreed that they wanted a hybrid meeting.
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IDEA ADVISORY SUBCOMMITTEE

JODI WEBB

DISCUSSION	The subcommittee has worked on creating an IDEA Advisory Committee membership brochure, updated the website, and created an application for new members.
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IDEA B APPLICATION

MICHELLE SOUTHER

DISCUSSION	We are in the process of completing our Part B Application. It will be posted on our website, and an announcement will be sent out to the directors and posted in the newspaper regarding the 60-day comment period.
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ADMINISTRATIVE RULE CHANGE 67-23-01 AND 67-23-02

MORGAN EDMUNDSON

DISCUSSION	<p>SB 2013 DPI Budget bill</p> <ul style="list-style-type: none"> Major life activities" include learning, walking, talking, breathing, and caring for oneself. "Student with a significant medical condition" means a student with a physical or mental impairment, whether permanent or temporary, which substantially limits one or more major life activities and who is not entitled to special education and related services. <ul style="list-style-type: none"> Added a child on a 504 with a significant medical condition could be considered a high-cost student. <p>DPI is looking to update our Admin Rule. DPI is asking if the IDEA Advisory has any comments on it. These students would be on a 504 plan with a significant medical condition.</p>
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INDICATOR 4

MICHELLE WOODCOCK

DISCUSSION	<p>Based on 2021-22 data, the state rate for suspending SWD for greater than 10 days in ND is 0.33%</p> <ul style="list-style-type: none"> 3 times this rate would be 0.99% 7 districts would be reviewed for being over 0.99% <p>The old cut score would have been .33% +5% = 5.33%</p> <p>Please click on the survey link in the chat or use the QR code to complete the survey: https://forms.office.com/g/dzFuGam4jv</p> <p>When a district flags, we need to go through policy and procedures.</p>
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6 Year Graduation Cohort of Students with ED

<https://www.nd.gov/dpi/sites/www/files/documents/SpecEd/NDSSIP%20PIER%20Tool%20Infographic%202022-23.pdf>

Each year, every special education director (with high school students) completes a Planning, Implementing, and Evaluation Report (PIER) tool.

Some things learned this last year:

- The use of state-identified Evidence-Based Practices increased.
- Even though the state met the target, to get to our 2025 goal there are still 10 special ed units below target
- They listed help that is needed from NDDPI, a lot of which is included in the Action Plan for 23-24.

Data-Driven Enterprises support the SSIP work for NDDPI.

Every year they put together this infographic that helps paint the picture of factors that impact graduation in ND.

Abbreviations & acronyms are explained in the top right corner of the page.

Some highlights:

- Attendance rates & Choice ready data are strongest predictors of graduation for students
- Districts using Early Warning Systems have been successful in meeting their targets
- The "Other Relationships" section (bottom left) has some information that can inform future work

Other "I wonder, I notices, what ifs" that the community of practice has?

DISCUSSION

[Key Strategies for 2023-24 \(nd.gov\)](#)

Messaging – The SSIP Team will continue to focus on Early Warning Systems and Behavioral supports to help keep kids in and engaged in school.

Inter- and Cross-Departmental alignment – In addition to the Internal NDDPI SSIP Team that meets every other month, the work now includes:

- A Behavioral Health Collaboration Team has been formed. It is made up of 5 NDDPI employees whose portfolios include some components of behavioral health and two human services employees whose work overlaps kids and schools.
- System of Care work – this Human Services grant overlaps 12 Special Education units in ND, and the focus is on children with significant social-emotional-behavioral needs. Michelle now sits on guidance committees in the two regions implementing the grant (Bismarck and surrounding areas, Devils Lake and surrounding areas).

Fidelity of Early Warning Systems – NDDPI works with the American Institute for Research to increase training and implementation fidelity around the use of Early Warning Systems.

Evidence-Based Practices – training and support will continue around the 4 state-supported Evidence-Based Practices for Students with ED. These include Opportunities to Respond, Check In, Check Out, Behavior Specific Praise, and Check & Connect.

PIER Tool – we will continue to use and refine the PIER Tool to collect information from our special education units to inform & improve the work.

Fidelity Measure Enhancement – NDDPI will continue to build and train on fidelity measures to ensure systems within districts are working as efficiently as possible.

Regression Analysis – each year, a new regression analysis will be completed to look at predictors of graduation and trends.

Big Five Education Focus – Being half of the students in ND are educated in 5 districts. Therefore, to support the majority of students there will be a focus on Minot, Bismarck, West Fargo, Fargo and Grand Forks.

Patti was wondering what professors could teach incoming students. Students with ED graduation rates are increasing.

[CRDC Data Overview](#)

Graduation Rates: Students with Disabilities

	2017	2018	2019	2020	2021	2022	2023	2024	2025
State Rate	66.34%	68.60%	73.36%	76.12%	76.45%	70.89%			
Target	89.00%	89.00%	89.00%	76.12%	76.12%	76.32%	76.53%	76.93%	77.74%

Dropout Rates: Students with Disabilities

	2017	2018	2019	2020	2021	2022	2023	2024	2025
State Rate	16.53%	19.40%	16.48%	18.38%	20.39%	25.60%			
Target	18.00%	18.00%	17.00%	18.38%	18.38%	18.23%	18.09%	17.80%	17.21%

Graduation for Students with ED

	2017	2018	2019	2020	2021	2022	2023	2024	2025
State Rate	66.40%	53.10%	56.40%	62.04%	58.12%	67.21%			
Target	63.22%	66.72%	66.72%	62.04%	62.04%	62.74%	63.44%	64.84%	67.63%

What we know

- Disengagement from school is gradual
- Students send identifiable signals
- Data can be used to identify trends
- Studying trends enables educators to intervene

American Institute for Research

Relationship between Attendance and Achievement

- Children who are chronically absent in preschool, kindergarten, and first grade are much less likely to read on grade level by the third grade.
- Students who cannot read at grade level by the third grade are four times more likely to drop out of high school.
- By high school, regular attendance is a better dropout indicator than test scores.
- A student who is chronically absent in any year between the eighth and twelfth grade is seven times more likely to drop out.

[Students with Disabilities and Chronic Absenteeism \(umn.edu\)](#)

Johns Hopkins University Everyone Graduates Center

- As early as sixth grade, school-based factors can predict who will drop out
- Attendance, behavior, and course performance are the strongest predictors of school dropout

The researchers also demonstrated that three factors—attendance, behavior, and course performance—are the strongest predictors of dropping out, and these factors often are interrelated. The researchers traced predictive indicators for dropping out of high school as far back as the sixth grade and found that the indicators predicted at least 50 percent of eventual dropouts. They found that sixth-grade students

with one or more of the indicators had only a 15 percent to 25 percent chance of graduating from high school on time or within one year of expected graduation.

These findings have been validated many times through longitudinal studies in both states and large districts.

Every kid is someone's whole world. All kids want to be included & be successful.

Function of Behavior

- Sensory
- Escape
- Attention
- Tangible

How do you Define it?

- **Insubordination** – defiance of authority; refusal to obey orders
- **Disorderly Conduct** – unruly behavior constituting a minor offense
- **Habitual Indolence** - avoidance of activity or exertion; laziness

Why Define These?

15.1-19-09. Students - Suspension and expulsion - Rules.

1. The board of a school district shall adopt rules regarding the suspension and expulsion of a student. The rules for expulsion must provide for a procedural due process hearing in the manner provided for in subsection 2 of section 15.1-19-10 before the determination to expel a student is made. A student's parent or representative must be allowed to participate in the expulsion hearing.
2. A student may be suspended for up to ten days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.

[North Dakota Century Code t15.1c19 \(ndlegis.gov\)](http://ndlegis.gov)

Chronic Absenteeism vs. Truancy

- Chronic Absenteeism – Missing more than 10% of the school year, including both excused and unexcused absences.
- Truancy – (NDCC 15.1-20-02.1) Any student absent from school without excuse for more than:
 - Three school days during a semester of the school district's calendar
 - Six half days during a school district's calendar; or
 - Twenty-one class periods

Truancy Policy

15.1-20-02.1. Attendance - Determination - Policies.

3. This chapter does not preclude a school district or nonpublic school from withholding credit, removing a student from a course, **or taking other punitive measures against a student who does not arrive in a timely fashion** or who exceeds a specific number of absences, as determined by the school district or nonpublic school.

Exceptions

15.1-20-02. Compulsory attendance - Exceptions.

1. Section 15.1-20-01 does not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
 - a. The child is in attendance for the same length of time at an approved nonpublic school;
 - b. The child has completed high school;
 - c. The child is necessary to the support of the child's family;
 - d. A multidisciplinary team including the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable;
 - e. The child is receiving home education; or
 - f. The child is a military-connected student engaging in virtual instruction under section 15.1-07-37 at the educational entity of the gaining or losing military installation, a student with a medical condition unable to physically attend school, or a student moving out of state and virtual instruction is allowed by the gaining or losing educational entity.
2. The period of virtual instruction under subdivision f of subsection 1 may not extend beyond the current school year.
3. A decision by the board of a school district under subsection 1 is appealable to the district court.

Federal Policy

The Office of Special Education and Rehabilitative Services' (OSERS) view, exclusionary discipline should not be used for non-violent offenses such as, tardiness, absenteeism, or subjective offenses such as defiance or disrespect.

[Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders. OSEP Policy Support 22-01 \(TA guide\). July 19, 2022. \(PDF\) \(ed.gov\)](#)

Exclusionary Discipline

The formal or informal removal, whether on a short-term or long-term basis, of a student from a class, school, or other educational program or activity for violating a school rule or code of conduct. Examples can include detentions, in-school suspensions, out-of-school suspensions, suspensions from riding the school bus, expulsions, disciplinary transfers to alternative schools, and referrals to law enforcement, including referrals that result in school-related arrests.

Not formally defined in IDEA or Section 504. First time there has been a definition provided.

[Positive Supports for Behavior and Discipline | OSEP Ideas That Work](#)

Where to Find the Policies

U.S. Department of Education Discipline/Behavior Guidance and Resources

Policy Documents

- [OSEP Dear Colleague Letter on Implementation of IDEA Discipline Provisions](#) . (en espanol)
- [Questions and Answers Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions](#) . (en espanol)
- [Positive, Proactive Approaches to Supporting the Needs of Children with Disabilities: A Guide for Stakeholders](#) . (en espanol)
- [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#) and an accompanying [Fact Sheet](#) .
- [Office of Civil Rights: Resource on Confronting Racial Discrimination in Student Discipline](#) (ed.gov)
- [Dear Colleague Letter](#) on ensuring equity and providing behavioral supports to students with disabilities (Aug. 1, 2016)

For additional information, please visit: <https://sites.ed.gov/idea/topic-areas/#Discipline-Behavioral-Supports>

NDDPI Resources

	<ul style="list-style-type: none"> • Discipline Policy Paper (nd.gov) • Functional Behavioral Analysis & Behavior Intervention Plan Guide • Suspension Expulsion Truancy Report Instructions (nd.gov) • ED Guidelines (nd.gov) • Youth Behavioral Health NDDPI (nd.gov) • Behavioral Health and Education NDHHS <p>Tracy said age 7 mandatory attendance is only in theory. There are no "laws" that enforce this beyond schools reaching out to families via social workers and phone calls. Schools are employing pediatric partners, school psychs, etc., and we are looking at the causes. We want them in school. Jodi said I know there is a lot of effort, but there are a lot of rural schools that don't have the training or staff to deal with absenteeism and deal with anxiety. What is the state doing for this? Michelle Woodcock said that they are going to record some video presentations for special education units to use for training. Brenda said we have kids living in hotels with multiple caregivers. They have been homeless and out of school. The system is broken. The school will get a child, but waiting 6-8 months for services is too long. Kids are being sent to Fargo and Bismarck, living in a hotel without their guardian/family. A lot of time, the school is the student's only safe place and the place they are getting their only meals for the day. How do we get these children where they need to be? Support these children? These kids need a safe living environment with support because a lot of them have severe emotional needs. Debbe said that when there are so many children in that situation, as you mentioned, the schools can only do so much. What is working, and how can we share it? Traumatized children cannot learn until their basic needs are met. If they get pulled out of the home and now they are put into a school where they have no relationships and are expected to learn. It is not going to happen. Nicole said she agrees we have to focus on the behavior/social-emotional first before we focus on academics, but teachers say, I need this student to meet the state standards. Debbe said Nicole made some very valid points regarding caring for the social and emotional health of a child before any instruction can take place and be meaningful. I think that school and agency personnel try to help everyone and that is impossible. We need to start with a small group and concentrate on these children and then include more students, as the original group of students can manage their issues better.</p>
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BI-LAWS CHANGE

DR. PATTI MAHAR

DISCUSSION	<p>We need to add the following to our IDEA Advisory Bylaws.</p> <ul style="list-style-type: none"> • Advise the Department of Public Instruction in developing evaluations and reporting on data to the Secretary under section 618 of the Act to the bylaws. <p>The committee voted and approved this being added to the bylaws.</p> <p>Brenda Ruehl motioned, and Jodi Webb seconded the motion.</p>
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DISCUSSION	
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SUGGESTIONS SUMMARY		
Issues and Concerns in our State: No issues.		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
The September meeting minutes were approved. Tracy Klein made the motion and Brenda Ruehl seconded. The December meeting minutes were approved. Jodi Webb motioned and Brenda Ruehl seconded.		

<p>Tracy Klein wants the advisory committee to contemplate adding a provisional for the special education director. He had several candidates that were qualified, but they didn't have a master's in special education or were missing the eight administrative credits. He said they are missing out on applicants because there is no provisional option for this credential. Jodi agreed that the provisional was a good option, with a three-year option for them to obtain the required coursework needed for the credential. Brenda felt that there should be a discussion about a provisional. Nicole doesn't want the requirements lowered for the credential, but she would be open to allowing a provisional for them to obtain the required coursework. This topic will be added to the September meeting agenda.</p> <p>The meeting adjourned at 11:45 a.m. Jodi Webb made the motion, and Tracy Klein seconded the motion to adjourn.</p> <p>Public Comment: No Public Comment.</p> <p>The September meeting is scheduled for September 12, 2024. The meeting will be a hybrid meeting.</p> <p>Agenda Items for the September meeting:</p> <ul style="list-style-type: none"> • Directors Credential Administrative Rule Changes • IDEA Dashboard Data • IDEA Advisory Membership Brochure 		
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