



IDEA Advisory Meeting

MINUTES

SEPTEMBER 10, 2020

9:00 AM – 4:00 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, Vicki Peterson, Renee Wetzsteon, Valerie Kuntz, Michelle Pfaff, Mark Ehrmantraut, Lea Kugel, Angela McSweyn, Tina Degree, Jacqueline Adusumilli, Rachel Tabler, Michelle Woodcock, Penny Breuer, Penny Veit-Hetletved, Karyn Chiapella, Jessica Howlingwolf, John Copenhaver, Brenda Ruehl, Amanda Meier, Barb Burghart, Tracey Zaun, Debbe Poitra, Carson Grave, Beth Larson-Steckler, Michael Netzloff, Patty Cummings, Melissa Casteel, Jacey Enget, Colette Fleck

Agenda topics

IDEA COMMITTEE TRAINING

JOHN COPENHAVER

DISCUSSION

TAESE held new IDEA Advisory member training.

OFFICE OF SPECIAL EDUCATION UPDATES

GERRY TEEVENS & TEAM

DISCUSSION

- ND Child Count
- COVID Resources
- Special Education Webinar Series
- Updates and Revisions of Office of Special Education's Guidelines Comprehensive Literacy Grant Projects
- FBA/BIP Guidance Document
- Alternate Assessment Training

ND Child Count/NDDPI Dashboard – Emmanuel Mensah

As of December 1, 2019...

- The number of students ages 3–21 who were receiving special education & related services under the IDEA was 16,459.
- Representing over 14% of public school students.
- Accounting for 3.5% increase from the Dec. 1, 2018 count.
- Among students receiving special education services, over 27% had specific learning disabilities.

COVID Resources - <https://www.nd.gov/dpi/familiescommunity/nddpi-updates-and-guidance-covid-19>

Striving Readers Comprehensive Literacy (SRCL) provided the funds for the revision of the Guidelines for Gifted and Talented – Lea Kugel

- 1992 Guidelines – Volume I & II Program Handbook
- Facilitators
- Kimberly Hutter (TAESE), Brenda Ehrmantraut (Academic Support), Lea Kugel (Special Education)
- Stakeholder group
- University personnel, GT Coordinators/Teachers, Parents, Tribal School
- Two virtual 'face to face' stakeholder meetings (4/21 and 7/30)

What's Next

I. Rough Draft aligned with other ND Guideline Documents

II. Revision of Rough Draft

a. NDDPI

b. Stakeholder group

III. Rough Draft 2

a. Revision from TAESE

b. Revision from NDDPI

IV. Final Draft (June 30, 2021)

Guidelines for Other Health Impaired – Susan Gerenz

Contents of the Guidelines: What is a Other Health Impairment?

- What it Is and What it is Not.
- Differences vs. Disability
- Best Practices in Evaluations
- Key Elements in Individualized Programming
- Protecting Medically Vulnerable Students
- Evidence-Based Instructional Strategies
- Resources

IMPROVING FOUNDATIONAL LITERACY THROUGH SELF-REGULATION

STRIVING READERS COMPREHENSIVE LITERACY GRANT 2020-21

NDDPI SPECIAL EDUCATION – Susan Gerenz

Builds your Skills on the 5's – Improve your

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

Set aside 5 minutes to build connections in the brain to boost Power to learn, while improving calm and focus.

Functional Behavioral Assessment/Behavior Intervention Guidelines:

- FBA/BIP - After data reviews from prior years the NDDPI staff recommended some changes to the Functional Behavioral Analysis (FBA) and Behavior Intervention Plans (BIP) forms in Tienet. Those changes were completed this summer. In addition to those changes a guidance document was edited and posted on the NDDPI website. Training on these updates and this document will be provided in a session of the webinar series. Document Link:
<https://www.nd.gov/dpi/sites/www/files/documents/SpeEd/Guidelines/FBA-BIP%20Guide%207.28.2020.pdf>

Special Education Webinar Series – Gerry Teevens

- Webinar Series – as of Wednesday there were 278 teachers, administrators, related service provider and family & community agency staff registered for the bi-monthly webinar series that kicked off on Tuesday. Registration link: <https://www.eventbrite.com/e/nddpi-special-education-webinar-series-tickets-117806411147>

DLM Alternate Assessment Training – Michelle Woodcock

- Wednesday a webinar was held with the Dynamic Learning Maps staff. Around 70 teachers and administrators from across the state were trained in preparation for the testing window this year.

Michelle Woodcock – ND Alternate Assessment Coordinator

STATE PERFORMANCE PLAN (SPP) AND ANNUAL PERFORMANCE REPORT (APR) - GERRY TEEVENS

SPP/APR Dashboard Reports are located <https://insights.nd.gov/>

- IDEA requirement for State Education Agencies Part B and Part C
- 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.

Components of Results Driven Accountability (RDA)

- Accountability Plan for State Special Education agencies is the State Performance Plan (SPP)
 - State Performance Plan/Annual Performance Report (SPP/APR) measures results and compliance to the 17 State Performance Plan Indicators
- Determinations reflect State performance on results, as well as compliance
 - Results and Compliance Matrix

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.

North Dakota Meets Requirements on the Feb 2019 submitted SPP/APR for Part B and Part C.

Jodi Webb, IDEA Advisory Committee member, provided a link to The National SAP SICC Workgroup also just put out a webinar on Meetings and Strategic Planning (including information for Annual Report etc). It can be found on their website: <https://collab.osepideasthatwork.org/SAP-SICC>

OSEP PART B AND PART C COVID Q & A DISPUTE RESOLUTION -MARK EHRMANTRAUT

DISCUSSION

- Encourage Communication and Collaboration
- Complaint Timelines are basically in effect. Sixty days to complete the investigation and provide a written report. Those timelines are in effect. Potential leeway if:
 - Exceptional circumstances (beyond a blanket COVID statement) or
 - Parent and Public Entity mutually agree to extend timeline
- Virtual meetings and discussions are permissible, and even encouraged when other options are available.
- Hearing Officers have some flexibility to extend timelines at the request of EITHER party. The hearing officer needs to document:
 - Length of extension
 - Reason for Extension

Brenda Ruehl brought a couple of concerns that she has heard from parents.

Parents are asking for IEPs and some schools are not getting back to them. Compliance issue? Parents are saying they don't have access to the different virtual meetings. When schools are setting policy – like every special education child can only go to school certain days and no more. Some schools are sticking to that and they are worried about regression. Some districts will not move off the policy and say this is the way it is under COVID. Do you have any suggestions? Gerry reminded everyone that it is an individualized education plan and they need to look at each child individually.

Brenda also reported that in some schools if a student is in a certain LRE they can attend 5 days a week but if they are being served in a different LRE they can only attend two days. Some schools are saying that students with disabilities can't attend certain activities because they can't provide support with students with disabilities even though general education students are being provided those services. There are some school districts that are doing a wonderful job.

PART C TO PART B TRANSITION PART B DISCUSSION -Angela McSweyn & Jacqueline Adusumilli

DISCUSSION

They would like to hear from the group regarding how they think transition process going during COVID and if there are any concerns. The group had no concerns at this time.

PART B SSIP – UPDATES TO REINNVIGORATING THE PLAN/DISCRETIONARY FUNDS PROJECTS - MARK EHRMANTRAUT

DISCUSSION

SSIP

THE SSIP is a comprehensive, multiyear plan that focuses on improving results for infants, toddlers, children and youth with disabilities. This is indicator 17 of the Part B Indicators.

State identified Measurable Result (SIMR) – Improve 6 year extended graduation rate for students with ED.

Messaging – Dropping out is a process, NOT an Event.

TAESE facilitated a meeting in June to discuss how do we improve results for ED students with various office within DPI.

Early Warning Systems (Pilot Project) –

- Attendance
- Behavior
- Course completion

Web-based Document prompts will be:

- Stakeholder Engagement
- Evidence-based practices
- SiMR Trends
- Professional Development
- Continuous Improvement Work
-

Question: Is there any data on those that do not graduate that go on to become parents? Are they connected to our early headstart, healthy families, right track and early intervention programs?

Mark replied "Literacy tells us that becoming a parent is a big reason females drop out of high school. We don't have good data yet but we are working on it".

2020-21 Discretionary Grant

Invitation: Improving graduation rates for students with disabilities through the use of evidence-based practices at the middle and high school levels.

- Funded activities will enhance and expand personnel capacity to implement one or more of the following evidence-based practices:
 - a) Early Warning Systems
 - b) Functional Behavior Analysis leading to effective Behavior Intervention Plans
 - c) Work-Based Learning
 - d) Mentoring Systems, and/or
 - e) Engagement of parents, families, private and public organizations, and community members in supporting students at-risk for not graduating.
- Up to \$15,000 per award
- 17 applications
- 16/17 funded to date
- Sum: \$232,974

The projects that we funded:

- Community Wraparound
- Early Warning Systems
- Attendance improvement
- Student engagement
- Rural transition work experience
- FBA/BIP
- Transition Planning

ANNUAL DISPUTE RESOLUTION REPORT - MARK EHRMANTRAUT

DISCUSSION

Below are the options a parent can choose to resolve a dispute.

- IEP Facilitations
- Mediations
- Investigations
- Due Process

Last year ND had:

- IEP Facilitations – 6 (1)

- Mediations – 4 (1)
- Complaint Investigations – 10 (3)
- Due Process Hearing -1 (1)

19-20 Dispute Resolution Themes

- Assistive Technology 3
- Behavior 7
- Evaluation 3
- Placement 3
- IEP 8

2019-20 Themes

- Communication
- Relationships
- Trust

COVID into 2020-21

- COVID
- Distance Learning/Hybrid Learning
- Contingency Plans
- Getting the full complement of services
- Individualization

Encourage:

- Communication
- Individual decisions
- Good faith efforts
- PWN – communication
- Reconvening if necessary

Brenda Ruehl asked if we have mediators and IEP facilitation available during this time. DPI Special Education Office has had one virtual mediation during COVID.

SUGGESTIONS SUMMARY

Issues and Concerns in our State: No issues were presented

The committee approved the June Minutes. Penny Viet-Helteveit made the motion to accept the minutes and Jacqueline Adusumilli seconded the motion.

Public Comment: Vicki Peterson said she hears a lot from parents that they do not understand the difference between contingency plans and IEP;'s and the connection. What guidance is going out to teams to explains this? The is no guidance for contingency plans. Some schools are looking at the mode of learning that the district is in there may be some modifications of services being provided so some schools are writing contingency plans. Some schools are just writing what the goal will look like in the hybrid method. I do want to add to my question that I am hearing in IEP meetings that contingency plans are requirement and what I am hearing from Gerry is that is not true. I just wanted to add my comment to that. So, if a parent does not want a contingency plan that would count as part of the IEP team.

Contingency plan is a team decision and the team has to be in agreement. Contingency plans are not a requirement in IDEA.

Patty Cummings – the need that we still have an IEP. The contingency plan is a document for a plan in the event services or activities that were identified in the IEP that are not able to be provided in the current learning mode the child is participating in. IEPs would address everything as typical and school was operating as normal.

OSEP is saying that schools can still provide FAPE when students are participating in Distance Learning. Schools and families must work together to provide FAPE and procedural safeguards are still in place.

The December meeting is scheduled for December 8, 2020 at the Quality Inn, Bismarck.

Agenda Items for December meeting:

- Update on COVID Cases
- Update on Disputes
- SPP/APR Data
- Neglected and Delinquent Portfolio and programmatic changes and targets – Beth Larson-Steckler