

# IDEA Advisory Meeting

## MINUTES

JUNE 9, 2016

9:00 – 12:00 P.M.

COMFORT INN, BISMARCK

<b>MEETING CALLED BY</b>	Shannon Grave, Vice Chairperson
<b>TYPE OF MEETING</b>	IDEA Advisory Meeting
<b>FACILITATOR</b>	Gerry Teevens
<b>NOTE TAKER</b>	Michelle Souther
<b>ATTENDEES</b>	Gerry Teevens, Michelle Souther, Robin Tschider, Colette Fleck, Mathew McCleary, Kim Cowell, Patti Redding, Valerie Bakken, Debra Huber, Leona Zemliska, Brenda Ruehl, Melissa Deckert, Tammy Mayer, Emmanuel Mensah, Shannon Grave, Leon Dietrich, Amanda Carlson, Susan Gerenz, Colette Fleck, Dr. Patti Mahar, Nancy Jo Burke, Penny Breuer, Peg Wagner, Lea Kugel, Renee Wetzsteon

### Agenda topics

SPECIAL EDUCATION UNIT UPDATES/NEW STAFF

GERRY TEEVENS

<b>DISCUSSION</b>	<ul style="list-style-type: none"> <li>• The Special Education Office has a new regional coordinator Lea Kugel – she will serve as the Director of the SPDG grant and oversee the SLD portfolio.</li> <li>• APR submitted Feb 1, 2016 SSIP Phase 2 due April 1, 2016 - Awaiting OSEP Ratings</li> <li>• The Morton Sioux and Fargo Special Education units were focused monitored in 2015-16: the residential facilities focus monitored were the Dakota Boys &amp; Girls Ranch, Minot and the PLC. Fargo Correction was needed in the areas of – FAPE, evaluation and secondary transition. Fargo has corrected everything. Morton-Sioux – FAPE, evaluation, eligibility, secondary transition. Morton-Sioux has started working on correcting these issues. DBR – nothing was found out of compliance.</li> <li>• The Special Education Team will do a data drill down in August to determine who will be focused monitored this year.</li> <li>• CIFR TA and NCTAT TA – providing technical assistance to the DPI. Wayne Ball from the CIFR Center will be presenting at the Special Education Leadership Conference on June 14<sup>th</sup>.</li> <li>• Minot has separated from Souris Valley Special Education Unit and created the Minot Special Education Unit.</li> <li>• TIENET was purchased by PowerSchool. DPI was assured that this should not affect our management of the system.</li> <li>• Trainings this summer:             <ul style="list-style-type: none"> <li>○ Prevent Teach Reinforce (PTR) June 20-21 (Bismarck) and June 23-24 (West Fargo) – 140 professionals are signed up for the trainings.</li> <li>○ TEACCH training August 1-2 and 3-4, 2016 (Bismarck) – training conducted by North Carolina – Chapel Hill. There will be 100 participants.</li> <li>○ Supervision for the School-Based SLP – August 1 and 2<sup>nd</sup> (Bismarck)</li> </ul> </li> </ul> <p>NDDPI Committees: The Special Education Team has representation on all of these committees.</p> <ul style="list-style-type: none"> <li>• Every Student Succeeds Act (ESSA) Planning Committee</li> <li>• Standards Writing: Applications for Content Specialist Committee Members</li> <li>• Review and revise state academic content standards in English/Language Arts/literacy and mathematics.</li> <li>• NDDPI Recruitment and Retention Task</li> <li>• School District Reporting Review Committee – focusing on the MIS03 and PER02 to see if there is an easier way to collect this data.</li> </ul> <p>Professional Development this Fall:</p> <ul style="list-style-type: none"> <li>○ Special Education Leadership Conference: June 13-14, 2016 Sept 13-14, 2016</li> <li>○ Northern Plains Law Conference for Students with Disabilities Oct. 3-5, 2016 (Bismarck) The link is <a href="http://www.cvent.com/events/2016-northern-plains-law-conference-on-students-with-disabilities/event-summary-654f2276ec9946c88f3fda629258467b.aspx?tw=EC-15-E1-28-14-41-2C-BC-D9-20-77-60-AC-A9-69-5E">http://www.cvent.com/events/2016-northern-plains-law-conference-on-students-with-disabilities/event-summary-654f2276ec9946c88f3fda629258467b.aspx?tw=EC-15-E1-28-14-41-2C-BC-D9-20-77-60-AC-A9-69-5E</a></li> <li>○ NDDPI Fall Conference October 12-13-14, 2016 at the Bismarck Event Center</li> <li>○ State Autism Conference October 26-28, 2016 – Minot</li> </ul>
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The Every Student Succeeds Act - signed by President Obama on December 10, 2015.

- Returns power to states when it comes to accountability
- States will have to submit a state plan.
- States will have to develop their own accountability systems.
- States must have long-term goals and interim targets for improving student outcomes.
- State Plans must be coordinated with other laws including IDEA.
- States must determine what the indicators of success will be for their plan.
- States hold schools accountable for subgroup performance.
- States will determine what is the minimum number of subgroups.
- Annual testing in certain grades, ensure 95% participation and disaggregate data for economically disadvantaged students, students from major racial and ethnic groups, children with disabilities (IEP students, and English Learners).
- States must have guidelines for teams to determine appropriate accommodations.
- States must develop an Alternate assessment. States must use principals of universal design.
- States must have definition of Student with Significant Cognitive Disabilities. Goal is to increase the number of students with SCD who receive instruction and assessments for the grade level in which the student is enrolled.
- The total number of students assessed in a subject using the alternate assessments cannot exceed 1% of the total number of all students who are assessed.
- The ESSA prohibits a local cap on the percentage of students administered an alternate assessment.
- The LEA shall submit a justification to the SEA if the percentage exceeds 1%
- The SEA shall provide "appropriate oversight" of any LEA that submits such justification.
- ESSA does not preempt a state or local law regarding the decision of a parent to not have their student participate in the academic assessments.
- Parents must be notified at the beginning of the school year of any opt-out policies.

Targeted Support and Improvement:  
Each SEA must:

- Notify each LEA of any school in which any subgroup of students is consistently underperforming; and
- Ensure LEA provide notification to the school regarding subgroup(s) identification.

HQ requirement expires in July 2016.

- Special Education Teachers must meet full state requirements (including alternate routes)
- Pass the states special education teaching exam
- No waivers for emergency, temporary or provisional status.
- Must hold at least a bachelor's degree.
- Para professional requirements- Same as previously required. State cannot lesson requirements.
- Parents Right to Know: Must be told if their child's teachers are on provisional licenses, etc.
- Schools must tell parents if child has been taught for four consecutive weeks by a teacher who does not meet certification requirements.
- At least 20% of Title IV A money must be spent on well-rounded educational opportunities.
- State Plan must include how the SEA will support LEAS to reduce:
  - Incidences of bullying and harassment
  - Overuse of discipline procedures
  - Use of aversive behavioral interventions that compromise student health and safety.
  - System Report Cards – Measure of school quality, climate and safety.

Final Notes:

- NCLB for another year... ESSA goes into effect July 1, 2017.
- Special Education needs to be involved in all planning for ESSA at LEA and SEA level.
- LEAs must spend 1% of Title funds for outreach and communication to parents.
- Make sure IEP focus on access to the general curriculum.

**CONCLUSIONS**

**ACTION ITEMS**

**PERSON RESPONSIBLE**

**DEADLINE**


SECLUSION AND RESTRAINT UPDATE

GERRY TEEVENS & PEG WAGNER

<b>DISCUSSION</b>	<p>Peg Wagner has been appointed by Kirsten Baesler to represent NDDPI on the seclusion and restraint task force. Seclusion and restraint task force was created by the protection and advocacy office. School districts do not report any seclusion and restraint data to NDDPI. ND is one of five states that does not have a law on Seclusion and Restraint. The committee is looking to see if ND needs to have a law in place and come up with recommendations. The committee has met twice (April and May). They have until September to come up with a recommendation. The committee really needs definitions to be able to make any recommendations. What is restraint? What is seclusion? What is an emergency? How is restraint at the elementary level is different then restraint at the high school level? There are so many different definitions. The only data that is available is from the OCR and that data is two years old. There was a survey sent to the school districts asking for additional information. The task force will discuss the survey results at their next meeting in July. Restraint and seclusion is not just special education children. You can follow what is going on with this task force at <a href="http://agree.org/seclusion-and-restraint-task-force">http://agree.org/seclusion-and-restraint-task-force</a>. Tracy Klein - Morton-Sioux and John Porter - South Valley and Rural Cass are on the committee if you want to contact them with your comments. Kim Cowell said that he received an email from NDCEL that they will not be sharing the data with the public because there is no real definition.</p> <p>Mathew McCleary asked for a motion by the IDEA Advisory Committee to recommend to the Department of Public Instruction to establish a statewide policy regarding seclusion and restraint in schools.</p> <p>Shannon Grave asked that Mathew McCleary submit this request to Peg Wagner as a constituent since IDEA Advisory Committee has already asked DPI to take the IDEA Advisory Committee concerns to the task force. DPI cannot take a stance on this. DPI have to follow what is setup by the legislature or by the federal government. DPI sits on the task force to submit recommendations. Peg Wagner recommended that Mathew become part of the Seclusion and Restraint Task Force committee and bring his issues to committee.</p> <p>IDEA Advisory Committee recommend that DPI works closely with the seclusion and restraint task force and that Mathew McCleary become part of the task force so that he can address his concerns.</p>	
<b>CONCLUSIONS</b>		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>
Debra Huber moved that the State IDEA Advisory Committee would like to go on record as supporting the work of the consensus council task force in their work towards a policy on seclusion and restraint. Brenda Ruehl seconded the motion. The committee passed the motion. Melissa Deckert did not agree with the motion.		

STATE ASSESSMENT UPDATE/STATE STANDARDS

TAMMY MAYER

<b>DISCUSSION</b>	<p>State assessments are closed. The scores should come out in August. There is a committee looking at the state standards. Kim Cowell said that the state assessment went very well this year.</p>
<b>CONCLUSIONS</b>	

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

ED GUIDELINES

VALERIE BAKKEN

<b>DISCUSSION</b>	<p>The purpose: Stakeholders from across North Dakota will begin developing educational guidelines for serving students with emotional disturbances (ED). These guidelines will provide direction to educators and facilitate improved outcomes for students.</p> <p><u>Outcomes- Participants will:</u></p> <ul style="list-style-type: none"> <li>• Review and discuss current issues and trends regarding the education of students with emotional and behavioral disorders</li> <li>• Conduct an environmental scan that reflects on current practices and needs in the state</li> <li>• Develop a purpose for the educational guidelines</li> <li>• Prioritize the content for the educational guidelines</li> <li>• Establish an action plan for moving forward with the task</li> </ul> <p>The next steps are:</p> <ul style="list-style-type: none"> <li>• Working group participants are currently reviewing sections</li> <li>• June 29<sup>th</sup> – face to face meeting to review final document with the work group</li> <li>• Summer 2016 NDDPI Special Education staff will review final Guidelines document</li> <li>• September 2016 NDDPI Emotional Disturbance Guidelines to be published and shared. Training will be provided on new guidelines.</li> </ul>
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<b>CONCLUSIONS</b>	
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

ANNUAL REPORT FOR IDEA ADVISORY COMMITTEE DUE SEPTEMBER

GERRY TEEVENS

<b>DISCUSSION</b>	The Annual Report is due in September. Shannon Grave and Melissa Deckert will be writing the report for the IDEA Advisory Committee.
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<b>CONCLUSIONS</b>	
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

DPI received a state systemic complaint for the first time this year.

- File by one parent on behalf of 11 parents
- Complaint was 136 pages in length
- Complaint questioned policies, procedures, monitoring and supervision by the SEA
- An independent investigator was contracted through Utah State University on behalf of the Center for Technical Assistance for Excellence in Special Education (TAESE)

**Whether NDDPI has policies, procedures, or practices which violate IDEA Part B in respect to:**

- Evaluation and Reevaluation; including consent, timelines, independent education evaluation, prior notice, parental requests, and assistive technology.
- IEP development, review, revision, and implementation including parent participation in meetings, use of draft IEPs, required team members, progress reports, provision of services, and extended school year.
- Least Restrictive Environment with respect to preschool age children.
- Procedural Safeguards; including prior notice, examine records, and independent education evaluation.

**Whether the NDDPI implements general supervision requirements with respect to:**

- State dispute resolution system; including monitoring decisions and required corrective actions.
- Monitoring LEA implementation of state special education rules and IDEA Part B regulations; including monitoring, technical assistance and enforcement.

Investigation began at the state level then moved to the local level.

Investigator interviewed:

- Parents
- DPI Staff
- DPI Complaint Investigator
- SEU Administrators
- SEU Staff

Finding for Issue 1a:

- The NDDPI is found to be in compliance through their provision of policies and procedures which are aligned to the IDEA Part B regulations." ... "identified practices of the districts and special education services units/cooperative are found to be in violation of the IDEA Part B regulations, and require corrective actions."

Finding for Issue 1b: (ESY)

- The NDDPI is found to be in compliance through their provision of policies and procedures which are aligned to the IDEA Part B regulations." ... "identified practices of the districts and special education services units/cooperative are found to be in violation of the IDEA Part B regulations, and require corrective actions."
- Parent Participation - It is found that there is no violation of the provisions of IDEA with respect to parent opportunity to participate."

Finding for Issue 1c:

- No violations

Finding for Issue 1d:

- The NDDPI is found to be in compliance through their provision of policies and procedures which are aligned to the IDEA Part B regulations." ... "identified practices of the districts and special education services units/cooperative are found to be in violation of the IDEA Part B regulations, and require corrective actions."

Finding for 2a and b:

- While there are no identified compliance violations within the NDDPI general supervision requirements, it was determined that the professional development which is provided is not reaching the staff who are directly responsible for implementing the provisions of IDEA with consistent levels of accuracy, or with enough emphasis to impact current practices. It is recommended that NDDPI develop a process to ensure that LEA staff are adequately trained."

Corrective Action Required:

**Professional development must be provided to districts and special education services staff regarding the following:**

**DISCUSSION**

	<ol style="list-style-type: none"> <li>1. Regulations and requirements of prior written notice (PWN) with regard to evaluation and reevaluation. <ul style="list-style-type: none"> <li>• Emphasis on refusal to conduct an evaluation or reevaluation.</li> <li>• Emphasis on refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.</li> <li>• Emphasis on timeliness of providing a complete PWN that meets the requirements.</li> </ul> </li> <li>2. Regulations and requirements for independent educational evaluation (IEE) including the PWN requirements that apply when a parent's request does not meet the definition of IEE under IDEA.</li> <li>3. Regulations, requirements, and guidelines governing Extended School Year (ESY) eligibility.</li> <li>4. IEP development, review, revision, and implementation</li> <li>5. Alternate methods to gain information and input from parents who opt out of the assessment planning meetings</li> </ol> <p><b>Professional development must begin no later than June 15, 2016, and be completed no later than December 1, 2016.</b></p>
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<b>CONCLUSIONS</b>	
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

SUGGESTIONS SUMMARY		
<b>Issues and Concerns in our State:</b> No Issues		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
<p>The committee approved the March Minutes. Shannon Grave made the motion to accept the minutes and Amanda Carlson seconded the motion.</p> <p>Shannon Grave accepted the position of Chairperson. Brenda Reuhl motioned and Melissa Deckert seconded the motion for Dr. Patti Mahar to serve as vice chair. The motion was passed.</p> <p>Public Comment: There was no public comment.</p> <p>The upcoming IDEA Advisory Meetings are scheduled for:</p> <ul style="list-style-type: none"> <li>• September 15, 2016 – new member training in the afternoon and IDEA Advisory Meeting in the morning. The training will be a joint training of the ICC and the IDEA committees.</li> </ul> <p>Agenda Items for September meeting:</p> <ul style="list-style-type: none"> <li>• Annual Report for IDEA Advisory Committee due September</li> <li>• New members training with John Copenhaver in the afternoon</li> <li>• Self-contained classroom processes – length of day</li> <li>• Update on different committees – standard writing, SSIP,</li> <li>• Levels of Determination Update</li> <li>• ED Guidelines Update</li> <li>• Update on State Professional Development Grant – summary of progress made</li> </ul>		