

Summary Report

September 15, 2016

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
2015-2016**

**CHAIR: Cathy Haarstad
VICE CHAIR: Shannon Grave**

CONSUMERS (2)

Mathew McCleary (09/30/2019)

Leon Dietrich (9/1/2018)

PARENTS OF INDIVIDUALS WITH DISABILITIES (5)

Shannon Grave (09/1/2017)

Cathy Haarstad (09/1/2018)*

Patti Redding (9/1/2019)

Pam Berreth (08/1/2016)

Hilory Liccini (9/30/2018)

Vicki Peterson (9/30/2017)

Aleja-Laura Larson (9/1/2017)

Renee Wetzsteon (9/1/2019)

STATE AND LOCAL EDUCATION OFFICIALS (3)

Debra Huber (9/1/2018)

Kim Colwell (9/1/2016)

Mr. Ed Boger, Jr High School Principal (9/1/2017)

STATE AGENCY REPRESENTATIVES (2)

Amanda Carlson (9/1/2017)

Lucy Fredericks (9/1/2016)

SPECIAL EDUCATION ADMINISTRATIVE REPRESENTATIVE (2)

Ms. Leona Zemliska (09/1/2016)*

Melissa Deckert (9/1/2018)

HIGHER EDUCATION REPRESENTATIVE (1)

Dr. Patti Mahar (9/1/2018)

**MEMBERS AT LARGE (1)
CONSUMER/ADVOCATE GROUPS**

Brenda Ruehl, Disabilities Advocate (9/1/2018)

EDUCATORS/RELATED SERVICES (2)

Penny Breuer (9/1/2019)*

Colette Fleck (12/1/2016)

NON-PUBLIC SCHOOLS (1)

Matt Strinden (9/1/2017)

STATE JUVENILE AND ADULT CORRECTIONS AGENCIES (1)

Ms. Michelle Hoechst (9/1/2017)*

BUREAU OF INDIAN AFFAIRS REPRESENTATIVE (1)

Robert J. Parisien (9/1/2016)

STATE CHILD WELFARE/FOSTER CARE (1)

Ms. Karin Stave (9/1/2017)

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 10, 2015

John Copenhaver, Director of the Mountain Plains Regional Resource Center (MPRRC), a project within Technical Assistance for Excellence in Special Education (TAESE), a division of the Center for Persons with Disabilities at Utah State University, provided training for new Committee members describing the role and responsibilities assigned to them. It was noted that the Committee should advise the Department of unmet needs, comment on any rules or proposed regulations, and discuss interagency agreements relating to special education services.

The North Dakota State Director informed the Committee that North Dakota received a Meet Requirements status for the ND Annual Determination under Part B of the IDEA. The complete determination letter is posted on the NDDPI website.

Every year NDDPI ranks the local special education units by using the performance indicators. Through the ranking DPI determines the two that fall in the lowest range from the state average. These two units are selected to be monitored.

DPI staff reported on the SSIP. This is a federal requirement. NDDPI decided to focus on the 6-year graduation rate for students with a primary or secondary disability of ED. Stakeholders decided to broaden the focus to include behavioral and emotional needs. One of the primary strategies is that NDDPI will require each special education unit to conduct a planning process this fall. DPI staff handed out a NDDPI SSIP Leadership Organizational Chart to the committee. The goal that each special education unit determines will be sent to each school district and then they will need to add that goal to their continuous improvement plan in Advanced Ed. There is a toolkit for the special education units to use for this process located at <https://www.nd.gov/dpi/Administrators/SpecialEd/SpecialEducationImprovementPlanning/>

Each special education unit will receive a fidelity rating which will be shared with their board. They need to set up a leadership team, setup goals, send out recommendations, and report out their process. After that, they receive an overall fidelity rating from the state. There is a four-point scale and each element has a certain value.

Professional Development Team – NDDPI will develop a cadre of trainers throughout the state that involves parents on Universal Design for Learning. The cadre will have the ability to train staff regionally. We want both face to face and web training options available. NDDPI will pay for the trainers but units will need to pay for their staff to attend the trainings offered.

A concern was brought up about this being overwhelming for the special education units and at the local level with all of the other issues e.g. teacher shortages. What advice is needed from the IDEA Advisory Committee? DPI staff clarified that this was not developed by NDDPI but by a group of stakeholders throughout the state. A question was asked if general education know about this. NDDPI has posted the information in TEAM News and presented it at numerous conferences. UDL is more general education – are teachers willing to teach that way?

UDL information can be found on NDDPI website at <https://www.nd.gov/dpi/Administrators/SpecialEd/>

Prevent-Teach-Reinforce: Rose Iovannone is training a Cadre of Master Coaches with the intention being that these master coaches will be available to train Unit Facilitators throughout the state. The training of the Master Coaches needs to be completed by next year.

The AT guidelines are posted online at <https://www.nd.gov/dpi/uploads/60/0ATGuidelines.pdf> . There are many resources in the appendices. The guidelines address how AT can be used in the IEP. There is also an FAQ on Assistive Technology, AT terminology, etc. in the Appendices.

The Committee was given information regarding the Discretionary Grant application and funding process. There were 21 grant applications submitted from local education units across the State. Of the 21 grants submitted, 14 met the requirements and were funded. Five grants will focus on academic proficiency, four grants will focus on classroom performance, and four grants will focus on improving graduation rates.

The SPDG Coordinator reported that they are in the implementation stage of the SPDG grant. Pathfinders created a link for MTSS for parents that will be available soon. Grand Forks Public

School is the new pilot school. The SPDG will be using the PTR model and will have Masters coaches to train the state. Ron Dughman is helping ND in creating an interactive website that will be available to schools with information on what they will need to implement a MTSS program.

The Dispute Resolution Coordinator at DPI reported that they are creating short webinars to be posted to our website for dispute resolution. Early resolution is the best option for dealing with dispute.

- There were 11 requests for IEP facilitation. Ten of the eleven requests resulted in facilitated meetings and successful IEP completion. IDEA does NOT address IEP Facilitation. It is a service e North Dakota has chosen to provide and has proven to be successful in settling disputes before conflict goes further.
- Six requests for mediations were received. Five mediations requests went to session and successfully resulted in agreements. One request was denied because student was not on an IEP.
- Written State Complaint – five requests received. Four requests did not meet criteria for investigation. One request met criteria and an investigation was completed.
- Due Process Complaint – two were received. One request was directed to Teacher & School Effectiveness because the students was on 504 plan. One request was withdrawn by parent.
- 2012-13 – ND was 9th for Total Dispute Resolution Activity by State/Entity per 10K Child count.

The dispute resolution coordinator said she receives many calls in which, the parents don't know who their special education director for their district is. The dispute resolution coordinator is going to address this issue when she presents to the special education directors in September. DPI first and foremost tries to connect the parent and the Special education unit director when a call comes in from a parent and this connection has not occurred prior to the parents call to DPI.

The IDEA Committee Annual Report was presented to the Committee and after some discussion, was approved by motion and seconded by Committee members. The Annual Report is posted on the Department's website.

Committee Member Recommendations

A committee member said they are still hearing from parents regarding the opting out for medications in school. A lot of questions regarding seizures and seizure medication for students not on an IEP or 504 plan. How is the state informing school staff on this information? The State Director said that typically those calls go to the Safe and Healthy School Unit. The special education office has not received any calls regarding students receiving special education or complaints regarding medication dispensing. The school board and Safe and Healthy Unit refers parents and staff to the Board of Nursing. It was mentioned that school districts can request for the 504 coordinator at the NDDPI and she will come out to school districts and train staff.

The teacher shortage is an issue throughout the state and it was asked how it is affecting special education teachers. Is there any data from the state? There is also a shortage of paraprofessionals for special education. A committee member brought up that due to the teacher and

paraprofessional shortage that teacher absences are on the rise due to teachers being overwhelmed due to behavior issues and trying to manage challenging behaviors and educating students and not having the paraprofessionals needed. The special education directors in the Western part of ND are giving students scholarships to go into special education to deal with special education teacher shortages. The issue is where the money comes from to give teachers scholarships because that money is being taken from somewhere else – e.g. supplies. The IDEA Advisory Committee is concerned about this issue and will follow what the State Assessment Task Force recommends regarding this issue.

A concern was brought up regarding the determinations of how many minutes of instruction for a student on the IEP. The committee member feels that there needs to be better guidance on how to determine as a team the minutes of special education instruction each student needs. A committee member said that her unit looks at each individual child, their assessment data; the individual student needs and from there determines the number of minutes are for the IEP. It was mentioned that there is a formula in AIMSweb that you can use to determine the minutes of services a child needs. The State Director will gather some information regarding this issue and report back to the committee.

Meeting Summary: December 10, 2015

The ND Annual Performance Report (APR) is posted on the Department's website at: <https://www.nd.gov/dpi/Administrators/SpecialEd/DataandReports/>

The following summary of data was presented to Committee members by consultant, Susan Wagner, President of Data Driven Enterprises.

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>

States are required by law to submit an Annual Performance Report every year to the federal government on the 20 indicators. North Dakota's most recent SPP and APR reports can be found here: <https://osep.grads360.org/#communities/pdc/documents/8152>

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 for 14-15 was 69.51%. Those least likely to graduate are those students served in separate classroom, resource room, ID, SLD, OHI.

Indicator 2: Drop Out Rate: Percent of youth with IEPs dropping out of high school. North Dakota met this target. North Dakota's rate for this target for 14-15 was 18.76%. The target is 19.50% for this indicator. The target is set to go to 17% in 2018-19.

Indicator 3: Statewide Assessment Participation Rate – Reading. North Dakota met this target. The 3b target is 95%. In spring 2015, a new regular assessment and new alternate assessment for the 1% was administered. No 2% test were administered. Most likely to score proficient in reading is students placed in regular classroom – students with VI, OI, Autism, and ED, white

and Asian students, grades 3 & 4 and not on free and reduced meals. Least likely to score proficient are students in resource room or separate classroom, students with ID, SLD, OHI, African American and Native American students, grade 11 and students on free and reduced lunch. The 3C target is 100%.

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. Indicator 4B is the rate of suspension/expulsion by race/ethnicity. North Dakota met the target for Indicator 4B. The target for 4a is .97%. The target for 4b is set by OSEP and has to be 0%.

Indicator 5: LRE for students – percent of children with IEPs aged 6 through 21 served. North Dakota met the target. The target for 5A is 75.20%. The target for 5B is 4.85%. The target for 5C is 2.00% for 2015-16. Susan Wagner suggested that maybe look at the mobility of students including those moving in from another state for this indicator.

Indicator 6: LRE for Preschool Students – Percent of children with IEPs aged 3 through 5 attending. DPI staff explained that every state has a different understanding of definition of the regular education environment, which might explain why we are one of the lowest. The target for 6A for 2018-19 is 29.60% from 27.50% for 2015-16%. The target for 6B is 28.60% for 2015-16 to 26.50% for 2018-19. There are few regular education Head Start, Preschool, or early childhood programs in the state.

Indicator 7: Percent of preschool children with IEPs. North Dakota met the target for this indicator. Indicator 7 data comes from ND Early Childhood Outcomes Summary form from Tienet. The target for 7A1 was 83.50% and 7A2 63% for 2014-15. The target for 2018-19 7A1 is set for 84.50% and 7A2 at 64%. North Dakota met this target. The target for 7B is 84% and 7B2 is 55% for 2015-16. The target for 2018-19 is 7B is 85% and 7B2 is 56%. The target for 7C for 2015-16 is 80.50% for 7C2 is 72%. The target for 2018-19 for 7C is 81.5% and 7C2 is 73%. Last year 741 students were assessed. Each special education unit will be receiving their district data from the state office. The special education unit will also be able to access this data online.

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 met the target for this indicator. The parent survey is posted on ND Department of Public Instruction at <https://www.nd.gov/dpi/students-parents/SpecialEducation/specialed-parentsurvey/>. North Dakota's response rate was 13.4% for 2014-15. The survey was mailed out to parents. North Dakota's percentage for 2014-15 was 70.80%. Target for 2018-19 is set for 73.10%, which would be based on the number of parents that report parent satisfaction on the survey. The state would like to get parent's email so we could remind parents that they received a written survey and that if they prefer they could fill out the survey link by email. Parent's email addresses are collected on Powerschool.

Susan Wagner asked the group to break out in pairs and discuss the following questions:

What do you see that's interesting? African American responses were quite a bit lower with parent satisfaction. Low response rate by parents could mean that they are unsatisfied with the services they are receiving. A committee member is concerned because Standing Rock has a lot of mobility of students, how accurate the data is, and what kind of services are they receiving from one school versus another school.

What additional disaggregation would be helpful to understand the parent involvement?

Breaking this data down by region might be helpful to see if it is just an individual unit or is it statewide issue. 31% of parents would like more communication and updates. What types? What accounts for decrease in parent comfort level in grade 3-5 for ASD, ED, NCD and OHI? Also, by diagnosis/category and scope/type of transition services and related services.

What are some ideas for increasing response rate? A committee member suggested that the survey be given by the school at the completion of the IEP meeting. He said that if he had a self-addressed stamped envelope and the survey he could give the survey to the parent after the meeting when parents are more likely to fill it out. A concern is that some parents do not have access to a computer to fill out an online survey. Online and paper or separate room in the school where parents can fill out the survey alone and some kind of an incentive to the parents who fill out the survey (e.g., gift card). Phone surveys by a neutral party could also be tried.

What are some ideas for improving parent involvement? A committee member stated that some parents feel that the educators are dictating the meeting and they are just there with no input. Parents need to be able to feel they can have input and that this is their plan. Letting parents speak first in the IEP meeting might make them more comfortable. Student led IEP meetings – helps prevent the feeling that the meeting is not all about what the student isn't doing and is more focused on what the student is accomplishing. Sometimes where the meeting is being held – room too small. The IEP meeting can be very overwhelming for parents and students to be in a room with a bunch of educators. A committee member said that parents do not always understand the language the educators are using – they don't know what the acronyms mean so they are sitting in the meeting not understanding what is being said. Parents don't understand what the test scores mean. A committee member said that she will give parents the test scores and IEP document before the meeting so that parents can understand what has been given to them so they are more comfortable to ask questions at the meeting. State Director asked the committee if there were any questions on the Parent Survey that might be confusing for parents. There was a question regarding #1 – Offer training and information that will help me participate fully in the IEP meetings. What do parents consider training? Word change to question #9. – My child's general education teachers make me feel comfortable when I have questions or concerns – change to help me be more comfortable.

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%.

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 met the target for this indicator. 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. OSEP's target is 100%. This is a compliance indicator so we have to be at 100%. Maybe a lack of a parents knowing the process or not getting to the right person. A committee member suggests to parents to put their request for evaluation in writing and give it to the principal. The issue is the end of the school year when they get overwhelmed with requests for evaluations. They have changed their deadline to help alleviate that issue. A committee member said they have had issues with faxing documents to health care people and paperwork gets lost and that delays the process. They try to be close to the deadline but sometimes due to parent's schedules – both parents working it is hard to meet the deadlines due to parents being unavailable. A committee member brought up that they have staff shortages – speech language teachers covering 4 or 5 schools so it is hard to get testing done. They start testing student and then the student moves so the evaluation is not finished. Typically, units that found out of compliance is usually because of case manager error.

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 at 99.17%. 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 98.38% for 2014-15. The target set by OSEP is 100%.

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. North Dakota's rate for 2014-15 was 26.88% for Indicator 14A. The targets for 14A for 2014-15 is 30.09% to 32.39% for 2018-19. North Dakota's rate for 2014-15 was 56.45% for Indicator 14B. The target for 14B for 2014-15 is 56.72% to 59.02% for 2018-19. North Dakota's rate for 2014-15 was 82.26% for Indicator 14C. The target for 14C for 2015-16 is 81.38% to 83.48% for 2018-19. The response rate for this indicator is 25.6%.

What do you see that interesting? Committee wondered about the 14% that are currently not working or haven't worked after high school, 8% said that they would lose benefits if they work – how to fix that and the 4% who do not want to work? Incarceration - 0% of students with disabilities – questionable? ND State – concern of freshman that drop out as they just increased the entrance requirements. Colleges are limiting the number of students with disabilities attending by increasing the entrance requirements. Has the oil boom increased the number of students with disabilities living with parents? Students with disabilities can be limited to minimum wage jobs so they cannot afford rent.

What additional disaggregation would be helpful to understand the post-secondary outcomes for students with disabilities? By region throughout the state

What are some ideas for increasing response rate: Getting quality and accurate phone numbers. Students do not care about surveys. Students do not know that this report is the only evidence the state has to make decisions. How do you survey students living in a group home? Can service providers help get those surveys completed? The state would need access to know if a student were living in a group home so would be unable to find the student.

What are some ideas for improving the post-secondary outcomes for students with disabilities? A committee member asked if question 16 could be opened up to all students with disabilities instead of just dropouts. Student led IEPs – best practice. The State Director asked the committee if they have any suggestion on how to get accurate phone numbers for students. Right now, the state is pulling the data from Tienet. Would the special education units be willing to look over the state’s list of phone numbers to verify if they are accurate to the best of their knowledge?

Indicator 15: Resolution Sessions – if states have fewer than 10 they do not have to report the data.

Indicator 16: Mediation - percent of mediations held that resulted in mediation agreements - if states have fewer than 10 they do not have to report the data.

Indicator 17: State Identified Measurable Results (SIMR) – Target for this indicator for students with ED is 60.22%. The extended rate target for 2018-19 is 66.72%.

What do you see interesting? A committee member wondered why students with ED were chosen. The State Director explained that the stakeholders group felt that students with ED would encompass students with mental illness, which the stakeholders believed was a big issue for the state. This includes behavioral, social-emotional, social communication and/or mental health needs.

What additional disaggregation would be helpful to understand the ED graduation rate data? A committee member suggested maybe rural vs. urban – rural may not have access to mental health professionals. The variability of diagnosis. A student with anxiety vs a student with a behavioral disorder. Susan said the data is done by district but the committee felt the data by region or rural vs. urban might be useful. Poverty – Free and Reduced lunch -ED – 55% vs. Students with ED not on Free and reduced lunch – 55% - so the data showed that there was not a difference.

What are some ideas for increasing graduation rate for students with an emotional disability?

Other promising practices discussed:

1. Build relationships

2. Mentor available
3. More inclusion in regular education
4. Peer support – both youth and parent
5. Mental health consultations in schools
6. Social-emotional support for preschoolers
7. More collaboration with partners and stakeholders

Educators and mental health professionals sometimes have struggles amongst one another – let's work together for the students. Early identification of mental health – schools need to pay attention to the warning signs early. A committee member would like some advice from the professionals on how to help improve graduation rates for these students. A committee member thinks it is important to have an advocate at the table. There is no mental health support in the school like there is for other related services. Keep in mind that mental health services are typically done at a clinic and can be expensive with health care copays.

The SLP task force was created to come up with strategies for recruiting speech teachers for the schools. DPI Staff with the help from the special education units held numerous meet and greets throughout the state. There were five special education units represented at Minot State and seven special education units represented at UND.

Minot State – October 26

Moorhead – November 2

UND - November 3

DPI Teacher Shortage Task Force –Special Education offers different way to help fill unfilled positions such as Plan on File, Resident Teacher, and Traineeship. General education is trying to come up with similar ideas to recruit teachers. The speech language pool is limited. Fargo discussed the shortage of substitute teachers in their district. One day, Fargo had 14 unfilled positions because of the lack of substitutes. They end up pulling teachers to help cover classrooms. A committee member said that in the private schools they have a lot of volunteer parents who apply for their sub teacher license to help cover the need for teachers.

The SPDG coordinator reported that we have three REAs that have been active in MTSS – SEEC, MREC, and MDEC. The Federation of Families and Pathfinders work on creating family friendly materials. State Implementation Advisory Team are guiding the work and within that group we have the implementation team which is doing the work and taking it back to the advisory team. The goal is to have an implementation guide by spring to give to schools. Early Childhood Special Education Advisory Committee was created to assist North Dakota's Department of Public Instruction with the implementation of new federal policies and/or regulations in the field of Early Childhood Special Education and to discuss and bring attention to current issues pertaining to Early Childhood Special Education in North Dakota. Child Count data – 13,675 students in 2014. Of that 13.3% - 1,823 students ages 3-5.

The ESEA bill was signed by President Obama. The new law puts more control into the states and local districts. The department will be looking at the assessments and test that are given. Annual testing will continue for certain grades. Schools will have to use college and career ready

standards and intervene when those expectations are not met, but states will be left to design their standards and intervention protocols.

New Incentives to improve outcomes:

- Provides more children access to higher quality programs (250 million in annual funding for preschool funding)

Funding for program that will scale up evidence-based strategies for improving student outcomes and other incentives that promote innovative reform.

Meeting Summary: March 10, 2016

The CiFR (Center for IDEA Fiscal Reporting) will be coming to NDDPI the first week in May to provide fiscal training. The National Center for Technical Assistance for Transition will be coming to North Dakota mid-April to meet with the ND Team involved in the NCTAT/ND Partnership Agreement and Plan.

ESEA updates - Returns power to states when it comes to accountability:

- Annual testing in certain grades ensures 95% participation and disaggregate data on student's race, income, and disability status. Rejects the overuse of standardized tests and one size fits all mandates in our schools.
- Schools will have to use college and career ready standards and interventions when those expectations are not met, but state will be left to design their own standards and interventions protocol.
- Eliminates ESEA's highly qualified requirement.
- Retains as needed appropriate accommodations/modifications, such as assistive technology.
- Provides more access to high quality preschool education.
- Funding for program that will scale up evidence-based strategies for improving student outcomes.

Prohibits states from counting lesser credentials such as a certificate of completion, certificate of attendance, or GED as a regular high school diploma for students with the most significant cognitive disabilities.

The Applied Topics course descriptions for high school students with cognitive disabilities have not been updated for some time. The Alternate Assessment Advisory Group will meet to review and revise the applied topics courses so that they are more aligned with the instructional content of the DLM assessment and the core content standards.

SSIP is a new requirement for the state office. Special Education Units have identified specific practices or programs they plan to use. All of this will be implemented in the next few years.

Information on the SSIP is located on this website:

<https://www.nd.gov/dpi/SchoolStaff/SpecialEd/SpecialEducationImprovementPlanning/>

The school is responsible for notifying their staff and administrators of the work that the special education units will be required to do to achieve their goals. Discretionary grant dollars are available to help special education units implement the practices they identified to achieve their goals. The state is looking at creating a group of master coaches for Prevent Teach Reinforce. These individuals will be available for districts to use for training their staff. Other professional development activities will include peer coaching models and local restructuring. Phase 2 will be submitted to OSEP on April 1, 2016.

SPDG Updates - Year 4 – bringing the project together. Using the work and putting it to practice at statewide consistency. Year 1 and 2 – state design team – advisory team was guiding this practice. Year 3 – state transformation team – taking the design to transform to professional development. Year 4-State Implementation Team-State Implementation Team broke down to a smaller state workgroup. They are taking the lessons they have learned the last 3 years and using that to develop a ND MTSS definition. They are also working on the five critical components and common language. The committee is working on creating a ND MTSS definition guidance document. Their goal is to have this completed by spring 2016. Cohort 3 – MREC is working with Bismarck Public Schools – this is the first school district to implement PBIS and the academic in the first year. Don Kincaid, University of Florida facilitated training to Bismarck. Don Kincaid will be facilitating training to coaches at the state level to provide leadership to building level personnel. Pathfinders and MDEC formed a partnership to get information out to parents and school personnel regarding ND MTSS. Grand Forks – Ben Franklin Elementary School is the demonstration site. ND MTSS Conference – June 6-7-8, 2016 in Fargo.

Information is located on the SEEC website

<http://www.ndseec.com/education/components/scrapbook/default.php?sectiondetailid=732&> .

Committee Member Recommendations

A committee member brought up a concern that districts may be requiring a parent to obtain a medical diagnosis before determining a disability of Autism can be determined by the school team. If the district is going to require a medical diagnosis before determining a disability, the district is responsible for paying for the evaluation. A committee member feels that the medical diagnosis is a training issue for school personnel. School Psychologist will always tell parents that this is an educational diagnosis not a medical diagnosis. The committee thought it would be helpful to have more training on this issue from DPI. Pathfinder has heard that districts are using the term educational autism and noted that Pathfinder does not use that term since it doesn't exist in IDEA. Pathfinder recommends that teams discuss making an educational determination.

A committee member passed out a document to the committee that entailed his concerns on the seclusion and restraint issues in North Dakota. The document gave examples of three students who dealt with seclusion and restraint while attending school in North Dakota. The chairperson asked the State Director to comment on the Department of Public Instructions stand on seclusion and restraint. There is no federal guidance on seclusion and restraint. A document that addresses seclusion and restraint can be found at this website.

<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

Currently there is no data collected on seclusion and restraint. Not all seclusion and restraints used in North Dakota is special education. If seclusion and restraint is going to be used for a student, it should be written in their IEP and the personnel should be trained.

The committee asked for further clarification as to whether the NDDPI as a whole or the special education unit have a specific written policy or position, which they give to schools on restraint and seclusion. The department currently doesn't have a documented position. Does the department have an option to take a position and say they would support implementing the requirements of seclusion and restraint? The chairperson asked the committee to think about what their position is on this issue and we will put this issue on the June Agenda. A committee member said that some legislators will interpret the lack of position by NDDPI as a sign that NDDPI is against having a statewide policy on seclusion and restraint. Consistency throughout the state on how they deal with this issue is important.

Meeting Summary: June 9, 2016

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 different than 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 for children receiving special education. You can follow what is going on with this task force at <http://agree.org/seclusion-and-restraint-task-force>.

A committee member 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.

The chairperson asked the committee member to 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 committee member become part of the Seclusion and Restraint Task Force committee and bring his issues to committee.

DPI Staff gave an update on the ED Guidelines. The purpose of the ED Guidelines is:
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.

Outcomes- Participants will:

- Review and discuss current issues and trends regarding the education of students with emotional and behavioral disorders
- Conduct an environmental scan that reflects on current practices and needs in the state
- Develop a purpose for the educational guidelines
- Prioritize the content for the educational guidelines
- Establish an action plan for moving forward with the task

The next steps are:

- Working group participants are currently reviewing sections
- June 29th – face to face meeting to review final document with the work group
- Summer 2016 NDDPI Special Education staff will review final Guidelines document

September 2016 NDDPI Emotional Disturbance Guidelines to be published and shared. Training will be provided on new guidelines.

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:

1. Regulations and requirements of prior written notice (PWN) with regard to evaluation and reevaluation.
 - Emphasis on refusal to conduct an evaluation or reevaluation.

- Emphasis on refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
 - Emphasis on timeliness of providing a complete PWN that meets the requirements.
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.
 3. Regulations, requirements, and guidelines governing Extended School Year (ESY) eligibility.
 4. IEP development, review, revision, and implementation
 5. Alternate methods to gain information and input from parents who opt out of the assessment planning meetings

Professional development must begin no later than June 15, 2016, and be completed no later than December 1, 2016.

Committee Member Recommendations

A committee member 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. The motion was seconded. The committee passed the motion.

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.

Committee members review 618 data submitted to OSEP on an annual basis. Summary statewide Child Count Data follows.

2013 Total of Disabilities

ServicingSEUPlant	Totalof	AUT	DB	ED	HI	ID	NCD	OHI	OI	SI	SLD	TBI	VI
Bismarck Special Ed Unit	1332	82		67	17	63	110	199	11	374	399	6	4
Burleigh Co Special Ed Unit	11							1		7	3		
Dickinson Special Ed Unit	445	31		23	4	30	63	60	5	99	126	3	1
East Central Special Ed Unit	170	3		1	2	13	9	11	1	49	81		
Emmons Co Special Ed Unit	55	3		2	1	1	2	3	1	15	27		
Fargo Special Ed Unit	1272	100	1	122	10	84	171	137	6	218	411	6	6
Ft Totten Special Ed Unit	49	2		3	1	7	11		1	1	23		
Grand Forks Special Ed Unit	1084	70		122	8	74	127	159	7	205	302	4	6
GST Special Ed Unit	255	15		27	2	21	22	68	1	21	75		3
James River Special Ed Cooperative	160	19		8	1	6	16	22	2	29	57		
Jamestown Special Ed Unit	329	27	1	18	4	16	43	50	5	63	101		1
Lake Region Special Ed Unit	680	26	1	43	14	39	88	43		169	253	3	1
Lonetree Special Ed Unit	188	10		9	2	6	11	28	1	57	64		
Morton-Sioux Special Ed Unit	646	20		41	3	43	40	55	6	240	194	2	2
Northern Plains Special Ed Unit	196	13		12	3	12	26	21	1	42	63	1	2
Oliver-Mercer Special Ed Unit	197	4		6	4	6	17	21	3	60	72	2	2
Peace Garden Student Support Services	409	27		9	1	25	93	52	2	86	114		
Pembina Special Ed Cooperative	174	4		13	2	5	16	33		43	57		1
Rural Cass Special Ed Unit	220	11		5	1	16	36	31		56	61	2	1
Sheyenne Valley Special Ed Unit	259	16		7	4	26	27	40	3	34	100		2
Souris Valley Special Ed Unit	1735	138		119	18	89	245	251	10	446	403	8	8
South Central Prairie Sp Ed Unit	155	1		4		7	19	23	2	29	70		
South Valley Special Ed Unit	399	18		15	4	22	47	60	1	66	165		1
Southwest Special Ed Unit	109	5		4		3	10	13	1	31	40	2	
Standing Rock Special Ed Unit	33	4			1	1	10	3		11	3		
Turtle Mt Special Ed Unit	44			3	2	4	10	5		6	13	1	
Upper Valley Special Ed Unit	492	19		20	5	24	74	104	1	90	151	2	2
Wahpeton Special Ed Unit	156	5		10		5	38	19	1	37	40		1
West Fargo Special Ed Unit	1104	107	1	85	14	65	147	150	8	243	272	9	3
West River Student Services Unit	341	12		10	5	18	29	54	2	63	142	3	3
Wilmac Special Ed Unit	700	45		45	14	49	84	80	11	89	276	4	3
Total	13,399	837	4	853	147	780	1641	1796	93	2979	4158	58	53

2014 Total of Disabilities

ServicingSEUPlant	Totalof	AUT	DB	ED	HI	ID	NCD	OHI	OI	SI	SLD	TBI	VI
Bismarck Special Ed Unit	1395	97		85	16	72	121	208	13	365	408	8	2
Burleigh Co Special Ed Unit	15			1	1		2			7	4		
Dickinson Special Ed Unit	458	37		18	5	31	64	72	5	99	122	4	1
East Central Special Ed Unit	180	3	1	2	2	16	2	12	1	50	91		
Emmons Co Special Ed Unit	60	4		2	2	1	4	4	1	18	24		
Fargo Special Ed Unit	1345	111	1	125	11	86	182	148	3	219	446	7	6
Ft Totten Special Ed Unit	41			2	1	3	10	1	1	3	20		
Grand Forks Special Ed Unit	1064	79		117	11	50	123	163	4	193	315	4	5
GST Special Ed Unit	257	17		27	3	18	26	61	1	28	74	2	
James River Special Ed Cooperative	167	24		7	2	5	21	22	3	33	50		
Jamestown Special Ed Unit	333	27		14	4	17	47	47	3	63	110		1
Lake Region Special Ed Unit	622	20		43	12	40	95	38	1	121	248	3	1
Lonetree Special Ed Unit	172	13		7	1	7	13	24	1	44	61		1
Morton-Sioux Special Ed Unit	599	30		36	4	41	33	54	6	214	178	2	1
Northern Plains Special Ed Unit	201	10		12	3	9	32	15	1	53	64	1	1
Oliver-Mercer Special Ed Unit	183	4		5	3	5	18	17	3	49	76	1	2
Peace Garden Student Support Services	393	27		12	2	24	84	49	2	80	111		2
Pembina Special Ed Cooperative	164	5		12	2	5	15	31		38	56		
Rural Cass Special Ed Unit	223	12		8	1	15	29	38		57	61	1	1
Sheyenne Valley Special Ed Unit	261	16		7	2	25	22	42	1	37	107		2
Souris Valley Special Ed Unit	1847	142		130	23	90	258	292	8	465	430	4	5
South Central Prairie Sp Ed Unit	157	2		4	1	5	20	25	1	28	71		
South Valley Special Ed Unit	358	21		11	4	22	38	54	1	63	143		1
Southwest Special Ed Unit	113	5		2		5	11	10	1	35	43	1	
Standing Rock Special Ed Unit	37	4		1		1	12	3		13	3		
Turtle Mt Special Ed Unit	34			2	1	4	7	6		5	7	2	
Upper Valley Special Ed Unit	522	24		27	4	26	97	119	1	77	145		2
Wahpeton Special Ed Unit	168	6		15		6	43	18	1	35	43		1
West Fargo Special Ed Unit	1193	130	1	84	14	66	148	160	7	277	294	7	5
West River Student Services Unit	361	12		9	6	18	30	57	1	71	150	3	4
Wilmac Special Ed Unit	752	60		34	7	53	105	93	13	83	301	2	1
Total	13,675	942	3	861	148	766	1712	1883	84	2923	4256	52	45

2015 Total of Disabilities by Special Ed Unit

ServicingSEUPlant	Total	AUT	DB	ED	HI	ID	NCD	OHI	OI	SI	SLD	TBI	VI
Bismarck Special Ed Unit	1,448	107		106	15	72	130	222	11	361	414	8	2
Burleigh Co Special Ed Unit	9	1					2			3	3		
Dickinson Special Ed Unit	523	36		16	4	33	92	74	3	111	149	4	1
East Central Special Ed Unit	165	7	1		2	15	1	16	1	47	75		
Emmons Co Special Ed Unit	62	4		2	2	3	5	5	1	13	26		1
Fargo Special Ed Unit	1,378	121	1	111	10	80	206	147	5	224	459	9	5
Ft Totten Special Ed Unit	33			1		1	11	1		3	15	1	
Grand Forks Special Ed Unit	1,077	85		126	11	49	135	176	4	169	314	3	5
GST Special Ed Unit	243	23		21	2	16	29	59	1	24	67	1	
James River Special Ed Cooperative	168	21		5	2	5	20	28	3	33	51		
Jamestown Special Ed Unit	339	28		18	4	21	49	49	2	64	103	1	
Lake Region Special Ed Unit	631	19		48	11	38	92	37	1	119	262	3	1
Lonetree Special Ed Unit	175	11		8	1	9	10	21	2	52	60		1
Morton-Sioux Special Ed Unit	624	38		36	3	46	44	61	6	229	159	2	
Northern Plains Special Ed Unit	195	11		9		8	29	16	1	53	66	1	1
Oliver-Mercer Special Ed Unit	177	5		5	2	8	29	15	3	35	73	1	1
Peace Garden Student Support Srvs	395	27		11	2	22	79	51		87	115		1
Pembina Special Ed Cooperative	155	6		13	4	4	14	27		29	57		1
Rural Cass Special Ed Unit	210	11		11		9	30	35		47	65	1	1
Sheyenne Valley Special Ed Unit	258	16		6	1	20	25	41		34	112		3
Souris Valley Special Ed Unit	1,898	164		133	22	97	292	285	8	474	414	5	4
South Central Prairie Sp Ed Unit	163	4		1	2	6	17	31	1	30	70	1	
South Valley Special Ed Unit	361	20		8	4	18	51	54	1	66	137	1	1
Southwest Special Ed Unit	118	6		2		6	11	7	1	38	46	1	
Standing Rock Special Ed Unit	36	2		1			11	5		10	7		
Turtle Mt Special Ed Unit	21					1	15	1		3		1	
Upper Valley Special Ed Unit	547	23		30	3	30	116	120	1	72	150		2
Wahpeton Special Ed Unit	174	10		16		4	42	19		41	41		1
West Fargo Special Ed Unit	1,232	139	1	89	14	59	177	159	7	288	288	4	7
West River Student Services Unit	373	12		10	5	13	43	52	1	83	148	2	4
Wilmac Special Ed Unit	800	73		39	11	48	123	99	13	88	302	3	1
Total	13,988	1,030	3	882	137	741	1,930	1,913	77	2,930	4,248	53	44