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IMPACT Newsletter

PO Box 9400 | North St Paul, MN | (651) 645-6272 | members@mnasa.org | Winter 2022

Behind the Scenes

by Erin Toninato, Executive Director, MASE



Here we are heading into winter and I continue to wonder how time goes so quickly! I was thinking about my role as Executive Director and reflecting on how much I didn't know that I didn't know. My learning curve has been high and wow, am I ever growing! As a MASE member, I was engaged and looked for opportunities to help out whenever possible. I chose what interested me and gave it all I could. As your Executive Director, I have the enhanced opportunity to engage with all committees...

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executive director connect

Executive Director Connect

You are invited to join MASE Executive Director, Erin Toninato, for virtual round table events.

This is a new opportunity for MASE members to engage in an open forum discussion in the company of others in similar leadership roles. Participants may choose to share what is happening in their regions, ask questions, or be an active listener. Discussion items will be based on the interests and questions of participants at each meeting. Attendance is entirely optional.

Remaining Sessions for 2022-23:

February 13, 1:30-2:30 | [Zoom Meeting](#)

April 13, 9:30-10:30 | [Zoom Meeting](#)

June 12, 1:30-2:30 | [Zoom Meeting](#)

Thank you Business Partners!

The MASE Business Partnership program strengthens the ties between MASE members and their collaborative partners in the public, private and non-profit sectors. Our goal is to advance the field of special education and improve student outcomes with an emphasis on proven, evidence-based practices...

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Look for the light. The light is always

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A message from Jamie Nord, MASE President

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Appointment of Standing Committee Chairs & Liaisons

by Melissa Hanson, Executive Director, MAWSECO, MASE President-Elect



Warmest holiday greetings, MASE members! It's a sincere honor to serve as your President-Elect this year. Through this role I have the privilege of appointing a Chair/Co-chair-Elect to vacant Standing Committee positions and Liaison roles. Appointed Committee Chairs and Liaisons will begin their duties on July 1, 2023 and hold office for a term of two (2) years, serving a maximum of two consecutive terms, unless the Executive Committee determines extenuating circumstances warrant an exception...

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Aspiring Leaders Sessions

There are 2 more virtual panel sessions available to you throughout the school year. You can attend one or all of the sessions. There will be different panel members each time.

You can share [the updated informational flyer](#) with embedded registration links and a *new* promotional video! These sessions will **NOT** be recorded, so please plan to attend the session(s)!

Remaining Session Dates

January 18, 2023

6:30 - 8 pm | [Register for this virtual session](#)

June 15, 2023

12 noon - 1:30 pm | [Register for this virtual session](#)

[View the flyer](#)

The advertisement for Kennedy & Graven Chartered features a green and blue header with the firm's name. Below, it states 'A passion for public law' and 'SCHOOL LAW GROUP'. It lists services: Labor & Employment Law, Special Education, Finance & Bond, Construction, Litigation, and Real Estate. A photo shows three children looking at a book. Contact information includes the phone number 612-337-9300, the website www.kennedy-graven.com, and offices in Minneapolis, St. Paul, and St. Cloud.

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🤔 Interested in advertising with MASE? Reach out to [Stephanie Kastanos](#) for details!

Legislative Outlook



by Brad Lundell, MASE Lobbyist

The election is over, and the legislative session is just around the corner. The election results yielded a bit of a surprise as the DFL party captured the majority in the Minnesota State Senate and, as a result, for the first time since 2014, there is one-party control of the Governor's mansion and both houses of the Legislature...

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Legal Notes

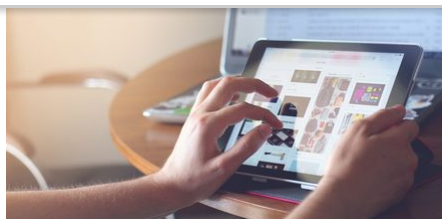
The Child Find Obligation: Ten Things to Keep in Mind

by Elizabeth M. Meske, Ratwik, Roszak & Maloney

School districts have a “child find” obligation under the Individuals with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”). The IDEA “child find” obligation requires schools to identify, locate, and evaluate children suspected of having a disability and needing special education services...

[Read more...](#)





Communications Committee: Social Media, Website, and More!

The Communications Committee is off to a great start this year. Goals and workgroups are set in three important areas: Social Media, Website, and Streamlining Communications. Be sure to like and follow MASE's Facebook Page, [MN Administrators for Special Education - MASE](#) and Instagram page [@mase1061](#)! As a MASE member, you can use [this form](#) to submit content for posting on MASE social media. The website group is working on improvements, starting first with checking the accessibility. Important work is also happening to streamline communication to you as members through our newsletters and other means. If you'd like to be a part of the communications committee and help with this fun work, contact [Lori Zimmerman](#)!

Save the Date!

2023 MASE Week at the Capitol

February 27, 2023 - March 2nd, 2023
Kick-Off Monday | Wrap-Up Thursday
Location: Virtual and/or In-person

All MASE members are welcome to attend!
More information and registration are coming soon!



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“BEHIND THE SCENES”

Erin Toninato

MASE Executive Director

etoninatomase@gmail.com

**A Learning
Curve
Is Essential To
GROWTH.**

Here we are heading into winter and I continue to wonder how time goes so quickly! I was thinking about my role as Executive Director and reflecting on how much I didn't know that I didn't know. My learning curve has been high and wow, am I ever growing! As a MASE member, I was engaged and looked for opportunities to help out whenever possible. I chose what interested me and gave it all I could. As your Executive Director, I have the enhanced opportunity to engage with all committees as well as find opportunities to interact with other educational professional organizations. During these last several months, there have been more growth opportunities than I could have imagined!

As you all know, now that the elections are over, the Legislative Committee has kicked into high gear. If you were at the Fall Conference, you had the opportunity to provide input in an interactive way and the committee has done a great job of taking that input into consideration as the platform begins to take shape. I have also had the opportunity to meet several times with other organizations to see where we might have common platform items. The collaboration is imperative to some of the legislative items that are critical.

MASE believes that a strong relationship between Special Education leadership and the school Principal is essential in provision of special education. Several members of MASE have been busy putting a pre-conference workshop together for the Minnesota Association of Secondary School Principals conference that will be held in January. This will be a full day of content related to the important role of the Principal in the special education process as well as special education topics that are essential to know. This is a great opportunity to build strong relationships among organizations with the end result being beneficial for students and families. MASE is grateful for the opportunity to spend this valuable time with Principals.

The MASE Fall Leadership Conference was exceptional! It was so great to connect with you all and spend the time learning from some phenomenal speakers and some well developed breakout sessions. Of course, along with the learning, there was plenty of FUN! There is a lot of work that goes into planning such a great event and I want to give a shout out to the PD Committee as well as the MASA/MASE staff who made it such a success! If it was your first time there, I hope that you felt welcome and found it to be a great way to spend a few days and we welcome you!

Last week I was extremely fortunate to attend the Council of Administrators of Special Education (CASE) national conference. MASE is a unit of CASE and MN is a well respected entity! MASE received a national award for the work we do around recognition of members as well as our scholarship programs. What an honor to be at the conference and accept the award along with some colleagues also in attendance!

As is always the case, there is so much happening behind the scenes of this great organization. I encourage you to get involved, ask questions, and reach out to me if I can be of any help!

MEMBER OPPORTUNITY KNOCKS!

Executive Director Connect

As your Executive Director, I am constantly looking for ways to engage members. I have decided to hold “round table” virtual sessions. These are NOT topic specific but are truly just an opportunity to pop into a virtual format and ask a question of other members of MASE, talk about what might be going on in your area, or find some advice from others doing similar work. It is informal and intended to be an opportunity to ask questions of colleagues! They will not be recorded but are instead, just a “connection” to others. The first round table was held on December 12 and we had some great conversations and information sharing!

I hope you are able to join me for the remaining dates!

February 13th, 1:30-2:30 | [Zoom Meeting](#)

April 13th, 9:30-10:30 | [Zoom Meeting](#)

June 12th, 1:30-2:30 | [Zoom Meeting](#)

Thank you to the Membership Committee who helped get this off the ground! I hope to see you on the screen!

Special thanks to our 2022-23 MASE Business Partners!

The MASE Business Partnership program strengthens the ties between MASE members and their collaborative partners in the public, private and non-profit sectors. Our goal is to advance the field of special education and improve student outcomes with an emphasis on proven, evidence-based practices.

Platinum Business Partner Membership

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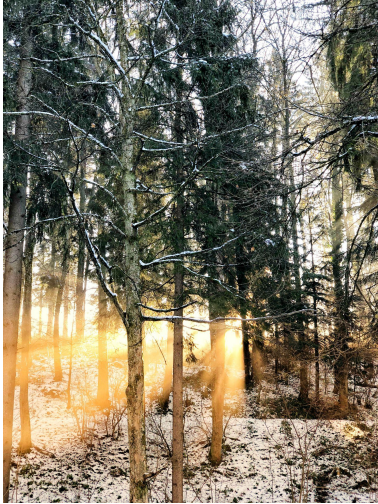
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Goalbook
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Invision Services, Inc.
Let's Go Learn
Pemberton Law, PLLP
Speech Partners, LLC
Star Autism Support
University of St. Thomas Department of Special Education

Look for the light. The light is always there.



Message from Jamie Nord, President

This school year, I am participating in a series of resiliency sessions through Resource Training & Solutions with my regional superintendent and director colleagues based on Elena Aquilar's book, [Onward: Cultivating Emotional Resilience in Educators](#). This month we focused on finding the bright spots. Our facilitator shared the following quote from Elena's book that really resonated with me. As you read the passage below, I'd invite you to picture a winter scene. You are out exploring a snowy forest, you can see the sunlight breaking through in the distance, and as you breathe in your lungs are filled with the cool, crisp winter air.

As the day feels shorter in the winter, look for the light. Gather around candles, fireplaces, and colorful bulbs. Celebrate traditions, miracles, hope, renewal, and resilience as we approach winter solstice.

The first half of the school year is coming to a close. Gather as a school community to identify and celebrate Bright Spots. In partnership with parents and students, celebrate children and highlight their learning and development.

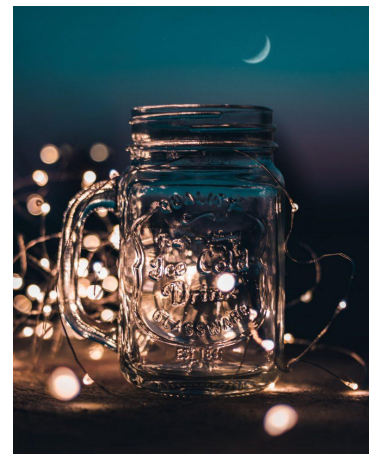
When the nights are long and the sun hangs low on the horizon, we just need to pay closer attention. The light is always there.

- Elena Aquilar, Onward, p. 194

Wishing you all a wonderful winter break and remember to look for the light!

Try Out This Strategy In the New Year!

On December 31, 2018, the Onward Team posted the [Create a Remember-lutions Jar](#) below as a strategy for focusing on the bright spots.



As we wind down the calendar year, and start to plan for the coming year, I wanted to share the following activity out of [The Onward Workbook](#). This activity is designed to boost your resilience by focusing on the bright spots throughout the coming year.

This activity is an alternative to creating New Year's resolutions, and you could do this at the start of a calendar or school year, or you could start at any time!

Over the course of a semester, school year, or calendar year, fill a jar with notes about your favorite memories and accomplishments. Find a jar, decorate it if you want and then every day or every week, write a note and drop it in. Make sure to include notes about what you feel proud of having done. At the end of the semester, sit back and read through the notes in your jar. You could even do this activity with students! Or add it to your faculty or team meetings!

Appointment of Standing Committee Chairs & Liaisons

Melissa Hanson
Executive Director, MAWSECO
MASE President-Elect

Warmest holiday greetings, MASE members! It's a sincere honor to serve as your President-Elect this year. Through this role I have the privilege of appointing a Chair/Co-chair-Elect to vacant Standing Committee positions and Liaison roles. Appointed Committee Chairs and Liaisons will begin their duties on July 1, 2023 and hold office for a term of two (2) years, serving a maximum of two consecutive terms, unless the Executive Committee determines extenuating circumstances warrant an exception.

The following Standing Committee Chair positions will be vacant for the 2023-2025 term:

- Membership Committee Co-Chair
- Professional Development Committee Co-Chair

Committee chairs are ex-officio members of the Board of Directors and have a number of responsibilities including, but not limited to: 1) Coordinating and facilitating committee meetings, 2) Recording and sending minutes of each committee meeting to the MASE Director of Professional Learning, 3) Making committee recommendations to the Board of Directors, 4) Preparing a final written committee report, and 5) Reporting committee progress toward annual goals aligned with the strategic plan to the President and the Board of Directors. In addition, if there are subcommittees under a standing committee, committee chairs will be charged with appointing all subcommittee chairs within their standing committee.

The following Liaison position will be vacant for the 2023-2025 term:

- MN CEC Liaison

Expectations for the MN CEC liaison are as follows: 1) Attend CEC events and functions, 2) Submit an annual report to MASE on the activities of MN CEC, 3) Keep the MASE Board informed on the activities of the MN CEC.

To assist in making these appointment decisions, I've developed a candidate self-nomination process to learn which of our MASE Active Members would like to be considered for these important leadership roles and why they believe they would be best suited to serve as a Committee Chair or Liaison.

If you're a MASE Active Member and are interested in serving a 2-year term as a Committee Chair or Liaison, please complete this [Nomination Form](#) by December 31, 2022. I'm looking forward to hearing from you!

December 2022 Legislative Update

Brad Lundell
Executive Director
MASE Lobbyist



The election is over, and the legislative session is just around the corner. The election results yielded a bit of a surprise as the DFL party captured the majority in the Minnesota State Senate and, as a result, for the first time since 2014, there is one-party control of the Governor's mansion and both houses of the Legislature.

On top of that news, the state budget forecast released in the first week of December shows the state now with a whopping projected surplus of \$17.6 billion (that's billion with a "b"). About two-thirds of this revenue is projected in the form of one-time money that decision-makers will be reluctant to build into the ongoing budget.

People often ask me, "What is the difference between one-time money and projected revenue?" I use an agricultural example as an explanation. If a farmer had a substantial hike in a given year due to a significant increase in yield or an upward spike in commodity prices, he might buy a new piece of equipment or an improvement to his property that could be used over a number of years, but he may not want to buy more land that his on-going situation may not be able to support in the future. Given the uncertainty surrounding the national economy, I believe the Governor and the Legislature will proceed with caution as it tackles the 2024-2025 biennial budget but will still be in a position to make significant investments in education.

Front and center in the discussions of issues that the education funding divisions in the House and Senate are likely to have are how to handle the cross-subsidy from school district general funds to pay for unfunded special education services provided to eligible students. The cross-subsidy has been a problem for school districts over the past few decades, and it continues to grow. There was an effort during the 2022 session to provide a contribution to lowering the cross-subsidy by 40%, but the negotiations over the larger education bill fell apart, and no progress was made. There is no doubt that the issue will be revisited again in 2023, and addressing the special education cross-subsidy is featured in the platforms of a vast majority of education-related lobbying interest, so optimism is warranted.

The education chairs in both the House and Senate have been named, and it's a pleasant surprise to see that three of the four chairs have experience in school classrooms. In the Senate, the Education Policy Chair is Senator Steve Cwodzinski (DFL-Eden Prairie), who is a retired social studies teacher. The Education Funding Chair is Senator Mary Kunesh (DFL-New Brighton), who has been both a classroom teacher and a school media specialist. In the House, Representative Cheryl Youakim (DFL-Hopkins), who was Education Policy Chair in the House during the 2019 and 2020 sessions, will be assuming the Chair in the House Education Funding Committee. Representative Youakim has experience as an Education Service Professional in a high school setting. Representative Laurie Pryor (DFL-Minnetonka) is a retired management analyst who has been very active as a volunteer in her children's schools. While this wealth of experience in and around classrooms is no guarantee of legislative success, the fact that the

chairs have all been around the inner workings of school districts will at least provide an understanding of the challenges facing Minnesota school districts.

The session begins on January 3, 2023, and MASE will once again be organizing virtual periodic updates throughout the session to help keep members informed on what is happening and how MASE members can get involved. I also hope to provide email updates on important issues that are being discussed. In the meantime, you can contact me in a variety of ways at brad.lundell@schoolsforequity.org, lundelllegislative31@gmail.com, or 612-220-7459. I look forward to working with all of you in the exciting work ahead.

The Child Find Obligation: Ten Things to Keep in Mind

Elizabeth M. Meske
Education Law Attorney
Ratwik, Roszak & Maloney

School districts have a “child find” obligation under the Individuals with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”). The IDEA “child find” obligation requires schools to identify, locate, and evaluate children suspected of having a disability and needing special education services to address that disability.” Section 504 similarly imposes an obligation on schools to locate, identify, and evaluate students who are believed to be in need of accommodations or special education services. Failure on the part of a school district or charter school to fulfill its child find obligation can result in time-consuming and costly litigation. Ultimately, if a decision maker determines that the school district or charter school failed to engage in child find and, as a result the student was denied a free appropriate public education, the student may be owed compensatory education accruing from the time the school district or charter school first should have suspected the disability and related need. To avoid legal claims and ensure that the child find requirement is satisfied, school districts and charter schools should keep the following considerations in mind.

1. **Referrals.** While either parents or school personnel may initiate a request for an initial IDEA or 504 evaluation, parents have no obligation to request that a school district identify and evaluate a child. Ultimately, it is the school district’s responsibility to seek out IDEA and/or Section 504-eligible students. At the end of the day, the school’s child find obligation is an affirmative one. Schools are responsible for employing child find strategies and identifying all IDEA or Section 504-eligible students that reside in their jurisdiction. Accordingly, it is important for schools to avoid taking a passive approach and waiting for others to refer students for special education services.
2. **Interventions.** If a school does not suspect that a student has a disability and/or that special education services may be necessary to address that disability, the school should conduct instructional strategies, alternatives, or interventions prior to proposing or agreeing to an IDEA evaluation. However, while interventions are appropriate in some situations, a school must propose or agree to evaluate a student under IDEA when it has reason to suspect a student has a disability and that special education services may be necessary to address that disability. In general, if the school does not have a reason to suspect that a student requires special education services and interventions are successful, the school does not need to

propose an IDEA evaluation. Alternatively, if a student minimally responds to interventions, schools should likely propose an IDEA or Section 504 evaluation, even if the student's underlying disability is uncertain.

3. **Behavior.** Keep an eye out for emerging patterns in disciplinary action or behavior incidents. Progressively worsening behavior issues and/or repeated instances of similar behavior that results disciplinary action, regular separation from peers, and/or repeated requests that the child be picked up early from school could trigger a school's child find obligation. Disability-related behaviors should be address through the Section 504 and/or IDEA processes whenever possible.

4. **Attendance.** A Student's attendance problems do not automatically trigger a school's "child find" obligations. However, a school's IDEA child find obligations *are* triggered where there is a record of significant absences, a reason to believe the absences are linked to a disability, and the possible need for services due to the disability. For this reason, it is always a best practice for schools to investigate the reason for a student's excessive absences and try to identify the underlying reason for attendance issues. Even if a student is excelling academically, a school's "child find" obligation can be triggered if the student's absences are excessive. Recently, the Eighth Circuit Court of Appeals held that a school district should have evaluated a student whose "mental-health issues" caused her to be excessively absent even though the student's grades were "excellent" when the student attended school. See *Indep. Sch. Dist. No. 283 v. E.M.D.H.*, 960 F.3d 1073 (8th Cir. 2020).

5. **Gifted Students.** The U.S. Department of Education's Office of Special Education Programs has specifically noted that it would be inconsistent with the IDEA for a child, regardless of whether the child is gifted, to be found ineligible for special education. Thus, a school's child find obligation applies equally to gifted students. Indeed, academic achievement in and of itself does not absolve a school of its child find obligation. If there is reason to suspect a disability and a potential need for aids, supports, program modifications, and/or special education services, the student should be evaluated under either Section 504 or the IDEA, regardless of "giftedness."

6. **Diagnoses.** The fact that a student has or may have an identified condition or diagnosis does not necessarily trigger a school's child find obligations. The school district must also reasonably suspect that the student needs special education because of the condition. That said, school districts cannot refuse to evaluate a student because the student does not have a private medical diagnosis. If a medical diagnosis is necessary for a complete IDEA evaluation, the school district must

ensure that the medical evaluation is conducted at no cost to the parents. Notably, Section 504 does not require a formal diagnosis from a medical or mental health professional to find a student eligible for supports and services. If the parent will not or cannot obtain or provide a copy of a formal diagnosis, that does not preclude a student from qualifying for Section 504 services. However, it is always a best practice to try to obtain a diagnosis as one source of information to consider as part of a Section 504 evaluation.

7. *The Intersection of Section 504 and the IDEA.* In the world of child find, sometimes the IDEA and Section 504 intersect. For example, it might be wise to consider whether an IDEA evaluation is appropriate for students on Section 504 plans for a significant period of time, who are not showing improved access to educational programming and activities. Additionally, schools may want to consider offering an IDEA evaluation to students who need extensive accommodations, program modifications, supports and services under Section 504. Similarly, schools should typically offer students exiting special education services under the IDEA an evaluation under Section 504 to ensure that any remaining access needs are met.

8. *Virtual Schools.* Pursuant to IDEA, school districts that operate a virtual school or public virtual schools that operate as school districts have a legal obligation to identify, locate, and evaluate virtual students with disabilities. Virtual schools should not rely on parent referrals as the primary means to satisfy their IDEA child find obligations. When a virtual school's teachers have limited interaction with the students, the virtual school should ensure that it is implementing other strategies to meet its child find obligations, such as screenings and questionnaires.

9. *Best Practices for Communicating with Parents.* When communicating with parents about the possibility of evaluating their student under either Section 504 or the IDEA, the best approach is to be responsible, be clear, and put it in writing. The IDEA has certain procedural requirements that must be adhered to. If an IDEA evaluation is requested, always follow up with a Prior Written Notice ("PWN"). When a parent requests a special education evaluation, the school should promptly respond, in writing, by proposing an evaluation or denying the request. In either case, the school should explain the reasoning behind its determination and provide parents with notice of their procedural safeguards. While there is no legal requirement to use PWNs when a Section 504 evaluation is requested, best practice is still to communicate to the parent in writing, (1) that the request was received; (2) that the request was considered; (3) the determination as to whether or not the student will be evaluated for purposes of Section 504; (4) the reasoning for the

determination; and (5) what actions the school district intends to take or not take with regard to the request.

10. ***Private School and Homeschool.*** Pursuant to IDEA, a school district has a legal obligation to identify, locate, and evaluate students with disabilities who are parentally placed at a private school located within the school district's boundaries. The obligation extends to parentally placed private school students who reside in a state other than the state where the private school is located, but not to students with disabilities who are or have been placed in or referred to a private school by a public agency for special education and related services. Minnesota law recognizes home schools as private schools; thus, home-schooled students with disabilities must be treated the same as other parentally placed private school children with disabilities. A school district can meet its child find obligations with respect to parentally placed private school students in several ways, including assuming the responsibility itself and contracting with another school district or a third party to conduct the child find activities.