



IMPACT

1884 Como Avenue • St. Paul, MN 55108 • (651) 645-6272 • members@mnasa.org

Summer 2017

Honoring Our Work

I am truly grateful for the opportunity to have been the President of MASE. Over the past year, I have become even more acutely aware of the great responsibility that we hold in our roles as leaders in public education. More specifically, I have been struck with the vast reach and influence we hold as leaders in special education. Our voices, both individually and as a collective whole, have the ability to change lives.

We are in unprecedented times. We are a highly diverse nation in way of race, language, national origin, class, identity and belief. While this diversity is the foundation of our country, we are in a space of time where the value of these differences is being questioned, resulting in uncertainties around resources and supports for our children, families, and communities.

As leaders in special education, our days span from engaging bus drivers around safe driving and student behavior to advocating with legislators. We engage parents around planning and support for their students and collaborate with community members and organizations to ensure systemic support and awareness of our students and their families. We bring voice to issues that often go unheard and we advocate for students and families often not seen. We also shed light

on the power and impact that all staff, and in particular, special education staff, have on the lives of children and their families.

Our MASE organization is an expansive collection of exceptional leaders in public education who touch every sector of the world of education. We have the great privilege and responsibility of acting as servant leaders in supporting the work of staff in our organizations to ensure they have the skills and supports needed to educate and empower our children to become active and productive members of our society. We provide a lens of equity for our districts to ensure that the design and implementation of educational programs are inclusive of all children. We embrace the gifts of difference and collaborate across systems to break down the silos of services for children and families. We are advocates for our children and families. As we move forward we must continue to engage in the work, honoring those that have endured innumerable years in this intense and rewarding work while also welcoming the new energy and knowledge of emerging leaders in special education.



Mary Clarkson
MASE President
Executive Director of Special Programs
Richfield Public Schools

As I exit my MASE presidency with deep gratitude and respect for our work, I want to thank and honor MASE members and each of you who dedicate your lives each day to children and families. Now more than ever, we must exercise our united voice on behalf of public education and all children being served.

In solidarity,
Mary Clarkson, Ed. D. ●

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Special thanks to our 2016-17 MASE Business Partners!

The MASE Business Partnerships 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.

Tier 3

Curriculum Associates
Edgenuity, Inc.
Grand Canyon University
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Tier 2

Booth Law Group PLLC
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Pemberton Law
Ratwik, Roszak, & Maloney, PA
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Tier 1

Behavioral Institute for Children & Adolescents
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PingMax LLC
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Transition Assessments and Curriculum
TSP Architects & Engineers
UCP/Infinitec
University of St. Thomas - Department of Special & Gifted Education
West Metro Learning Connections, Inc.

A Year in Review

The summer MASE newsletter allows me the opportunity to reflect on the past year and to thank a number of individuals for their work on behalf of our organization. I will ask your indulgence if I fail to recognize everyone that I should. Our Executive Committee has provided leadership and direction throughout the year. It also means that many of these individuals will be moving on to new positions or experiences. I would like to single out Lori Fildes for her years of service as our treasurer. She has had no small role in our organization's current healthy financial bottom-line. She has worked diligently to make our business partnership structure effective in meeting the needs of our members, our partners and to generate increased revenue for our organization. It has been under her leadership that my role as Executive Director has expanded to more actively engage our business partners, something that I am truly enjoying and am seeing positive benefits to MASE. We will now be welcoming our new president-elect Laura Pingry-Kyle who has already represented our organization multiple times at the legislature and MDE. I want to share my appreciation for the stalwart members of the Education Leadership (Rural Directors) group that has juggled their calendars to attend the meetings, even if it meant taking an Easter Holiday vacation day to do so. Our legislative work (more on that later) would not be nearly as effective without the guidance that Brad Lundell and I receive from the Legislative Committee leadership: Melissa Schaller, Cherie Johnson, Todd Travis and Darren Kermes. Cherie Johnson, in particular, attended innumerable meetings with MDE and various legislators during the legislative session. Finally, I want to thank each and every one of you who have welcomed me to your regional meetings and have been equally receptive to our business partners. I believe that since last June, I have made it to every region, at least once.

The current legislative session is still going on and financial support for our school districts is still yet to be determined or whether we will see a downward expansion of educational services to four year olds. Will we see needs-based four year old programming or a universal system? What has been left rather vague is the extent to which the needs/scholarship approach will finance private and parochial programming. Various general voucher and scholarship plans have also been offered up. We await the final language on a restructuring of the teacher licensure system. The most challenging conversations revolve around a tiered teacher licensure system and specifically whether an initial Tier I license will have limitations on how long an individual can teach

with such a license. Earlier in the legislative session we testified to various education committees urging them to continue to ask the hard questions regarding last session's legislative mandate that MDE reduce the paperwork demands on our staff. We reached out to MDE leadership and I want to thank Cory McIntyre and Mick Waldspurger of Rupp, Anderson Squires & Waldspurger who, within very few days, were able to identify possible areas for paperwork reduction that we shared with MDE and the legislative leadership. Our ABS bill was heard in the senate, but not in the house. We were, however, just this past week, able to obtain support for the ABS language from Representative Sondra Erickson, Chairperson of the Education Innovations sub-committee. As a critical member of the education conference committee, her support is key to what we hope will be a positive outcome for our bill. It took multiple twists and turns and the bill is now part of the licensure system restructuring language requiring that the Board of Teaching or its replacement remove the five year anchor license language. We have insisted throughout this almost two year process that individual teachers and possibly their school districts may choose to obtain the anchor license, but the mandate places an undue burden on young teachers. We supported language calling for a MDE investigation of the value of the multiple special education teacher licenses. I am hopeful that out of this may come guidance regarding the creation of a true cross-categorical special education teacher license. We chose to speak out gently regarding bill language calling for school districts to create an assistive technology document for preschoolers. Now, rather than a new paperwork mandate, it is proposed that MDE will further investigate whether such a practice is necessary.

We continue to place legislative focus on the staffing challenges experienced across the state. Once again, we testified to the house and senate education innovations sub-committees that there are any number of special educator licenses for which Minnesota has no training program (BVI), limited training programs (school psychologists, ECSE) or no undergraduate programs (LD, EBD, DCD, ASD). Within the last month, we met with MDE staff regarding the ABS license and I was pleased to hear that they are raising concerns regarding



John Klaber
MASE Executive Director

Executive Notes continued on page 6.

MASE IMPACT
Summer 2017

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SAVE THE DATE!

**2017 MASE Fall Leadership
Conference**

October 25-27, 2017

Cragun's Conference Center, Brainerd



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IMPACT THE LIVES OF EXCEPTIONAL CHILDREN

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Grand Canyon University proudly shares the mission of the Minnesota Administrators for Special Education to build strong leaders who work on behalf of students with disabilities.

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- Master of Education in Special Education

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For more information about our graduation rates, the median debt of students who completed the program and other important information, please visit our website at gcu.edu/disclosures. Please note, not all GCU programs are available in all states and in all learning modalities. Program availability is contingent on student enrollment. Grand Canyon University is regionally accredited by the Higher Learning Commission (800-621-7440; <http://hlcommission.org/>). Important policy information is available in the University Policy Handbook at <https://www.gcu.edu/academics/academic-policies.php>. The information printed in this material is accurate as of April 2017. For the most up-to-date information about admission requirements, tuition, scholarships and more, visit gcu.edu. GCU, while reserving its lawful rights in light of its Christian mission, is committed to maintaining an academic environment that is free from unlawful discrimination. Further detail on GCU's Non-Discrimination policies can be found at gcu.edu/titleIX17C0EE0081

Executive Notes from 3.

the loss of various college-level special education teacher programs. We have long contended that the ABS degree is contributing to the demise of the other undergraduate licensure programs.

This past July our Case Representative, Jill Skarvold, Mary Clarkson, and I met face to face with legislators and/or staff in Washington D.C. Last September Diane McCarron and I had the opportunity to travel with our partners at MASA to meet, once again with these same legislators. Our goal was and continues to be relationship building and to move forward our 3-E message which appears to be even more on target when considering the teacher shortage: Allow us to focus on delivering effective instruction to students with disabilities. Do not erect new barriers or shore up old barriers to efficient delivery of services to those students. Believe, as we do, that quality education is not about instructional materials or advanced technology but about our ability to attract and retain the most gifted educational professionals. To do so, the career of serving students with disabilities in the public schools must be engaging. It must speak to the passion for educating students with disabilities found in the best and the brightest educational professionals. As a direct result of these face to face meetings, we have been able to shape or influence federal legislation including ESSA and more recent efforts to protect IDEA.

A year ago, I was wishing the outgoing Director Barb Troolin of the Division of Special Education Programming well in her retirement and looking forward to a positive relationship with Robyn Widley. I have been extremely pleased with our new and stronger relationship with MDE. Robyn Widley has demonstrated that she places great value on collaboration, as do we. The Divisions of Special Education Compliance and Assistance, Special Education Programming and Finance continue to make visits to many of our regional meetings to engage in worthwhile conversation regarding our services to students with disabilities, their families and how we pay for them. We continue to look forward to what may come from a proposed work group to address our ongoing concerns regarding the FBA process. We did include this as one of the possible areas for paperwork reduction in our guidance to both MDE and the legislature. We are also hearing of growing concerns with the new financing structure which places caps on the amount of state support regardless of need and appears to have created financial winners and losers.

We continue having great attendance at our organization's conference in the fall, our joint conference with MASA in the spring and at our Best Practices Conference. I was especially pleased with the number of directors who attended the MASA/MASE Conference and we are excited to announce that nearly 200

colleagues attended Best Practices Conference in early May. Mia Urick and the Professional Development Committee have done a remarkable job providing our members with timely and valuable skill and knowledge development opportunities.

Thank you for the opportunity to serve you, the members of MASE. I am especially proud to be recognized as your Executive Director when meeting with legislators, MDE staff and others in our special education community. I will continue to seek opportunities for collaboration with others interested in supporting students with disabilities. It has been a pleasure working with President Mary Clarkson and the tireless efforts of the Executive Committee, including Mia Urick. Moving forward, we are in excellent hands with Diane McCarron as president, Laura Pingry-Kyle as president-elect, Mary Clarkson as past-president, Erin Toninato as secretary, and Linda Gardner as treasurer. ●

MASE Legislative Resources

Be sure to watch your email inboxes and check out www.mnase.org/legislative to stay up-to-date on the 2017 Minnesota Legislative Session!

If you are not receiving the session updates please contact members@mnasa.org

www.mnase.org/legislative has all of MASE's legislative resources including:

MASE Legislative Platform

Directories for the MN House and Senate

ESEA Flexibility Process

2017 CASE/NASDSE Conference

November 2-4, 2017

The Nugget - Reno, NV

Registration information at www.casecec.org/

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November 2-4, 2017 • The Nugget • Reno, Nevada
Visit www.casecec.org for conference details.



RETIREE *perspectives*

Rewired vs. Retired

As my tenure as the Retiree Representative to the MASE Board of Directors comes to an end, I am deeply grateful for the opportunities afforded to me over the years as a member of the Board. I appreciate the thoughtfulness, dedication and passion of the Board members. The challenges special education face continues to be real, persistent, multifaceted and complex. The problem solving and actions you will need to take moving forward will require strong resolve, rigorous response, motivation, optimism, determination, focus, courage, perspective, and timing. You already know this. Your work is not for the faint of heart.



Claudine Knoblach
Retiree Representative to the
MASE Board of Directors

When I "officially" retired seven years ago, I wasn't quite ready and I would describe myself as being "rewired" rather than "retired." I simply wasn't ready to surrender my entire vocation to leisure and post-career activities. "Rewired" has been very good. Lately, however, full retirement has been inching closer, and increased leisure activities most enjoyable. Recently I read an article from a professor who shared her lists of what she would miss and what she would not, upon retirement. Perhaps this would be an interesting reflection for you to ponder. What would you miss if you were moving toward being "rewired" or "retired"? Here's a short list.

I miss:

- Opening day, the anticipation, the optimism, and the belief in a fresh start.
- Seeing teachers connecting to students, observing teacher insights, and the creative problem solving utilized each day.
- Interacting with kids.
- Leadership challenges that are hard, and finding resolutions that work.
- Collaborating with colleagues, observing their keen intelligence, endless curiosity, and appreciating how their passion could rekindle my energy when my embers were low.
- Deeply meaningful, generously kind, and genuinely collegiate relationships.
- Writing a note, sending an email or making a phone

call to say "Thank you".

To all of you, who perhaps do not hear it enough, I send a heartfelt "Thank You" for all that you do for the organizations you serve, so that your community can serve children and youth with unique needs. ●

Are You Moving?

Now is the time of year when many of our members are on the move! Help us keep track of you (and keep your MASE benefits and services coming to you). Please give Deb a call at (651) 645-6272 or (866) 444-5251 or email members@mnasa.org. Deb will update your records. If you have new colleagues in your area who are not MASE members, please let us know and we will send membership information to them.



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CEC/CASE Special Education Legislative Summit

July 9-12, 2017

Westin Alexandria
Alexandria, VA

Register today!

www.specialeducationlegislativesummit.org/

2017-18 MASE Committee Sign-Up

The 2017-18 MASE Committee Sign-up is now available at: www.surveymonkey.com/r/masecommittees1718.

The sign-up will close at 4 pm on July 1, 2017.

Committee terms are for one year. If you are currently serving on a committee and wish to serve again, please re-register - you will not automatically be placed on your current committee. Please refer to the 2016-17 MASE committee list at www.mnase.org/committees if you are unsure of your current committee standing.

Special Education in the Supreme Court's Spotlight

This term, the United States Supreme Court decided two landmark cases that will likely have widespread effects in the special education world. Special educators throughout the State should evaluate their practices in light of these new legal standards to ensure compliance with the law.

A Fork in the Road: Fry Ruling Allows an Easier Path to Court for Non-FAPE Related Special Education Disputes

In February 2017, the U.S. Supreme Court issued a ruling that allows disability discrimination claims brought by IDEA eligible students to proceed directly to court—rather than follow the IDEA hearing procedures—if the claims are unrelated to the provision of a FAPE. In *Fry v. Napoleon Community Schools*, a student with cerebral palsy requested to bring her service dog to school. The school denied the request, stating that the student's IEP provided a FAPE by including a full-time aide.

The student's parents sued the district under the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act. The district moved to dismiss the suit on the grounds that the parents did not bring a due process hearing or otherwise follow the IDEA procedural steps before suing. The Court disagreed, concluding that the parents' claim was not subject to the IDEA procedural requirements.

In reaching its decision, the Court limited the requirement that students and parents exhaust IDEA procedures to claims involving an alleged denial of FAPE. Per the *Fry* Court, the determinative factor is whether, at its core, the complaint alleges a deprivation of FAPE or, alternatively, some other form of disability discrimination, such as a lack of access. The former claims must go through IDEA procedures; the latter may proceed directly to court.

The Court identified two factors that courts may use to determine that question. First, if the parents have invoked the IDEA procedural protections, that is evidence that the claim involves a denial of FAPE and the parents must continue under the IDEA. Second, the court asks the rhetorical question: "Could the plaintiff have brought essentially the same claim if the alleged conduct had occurred at a public facility that was not a school?" or "Could an adult at the school have pressed essentially the same grievance?" If the answers to these questions are "yes," then FAPE is likely not the crux of the complaint, and IDEA procedures may be bypassed.

The practical upshot of the *Fry* case is that fewer disputes

involving IDEA students will be subject to the IDEA procedural requirements. Accordingly, schools may see an increase in litigation by the parents of disabled students. As always, it is imperative to ensure that your school or district complies with all applicable laws, including the IDEA, the ADA, and Section 504. Regardless of whether a complaint goes before a hearing officer, judge, or jury, the school's actions should meet applicable legal standards.

How Much is Enough? FAPE Gets a New Definition

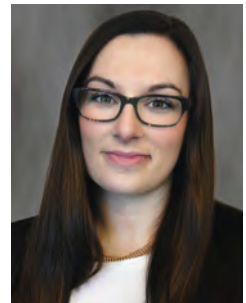
Exactly one month after *Fry*, the U.S. Supreme Court released its second 2017 ruling in the area of special education law. In *Endrew v. Douglas County School District*, the Court revisited the question of what level of educational benefit is guaranteed under the IDEA. 580 U.S. ____ (2017). Explicitly rejecting that merely more than *de minimis* progress is required for a FAPE, the Court opted for a more rigorous standard. The new standard requires each child's educational program to be "appropriately ambitious in light of his circumstances" and grant "every child the chance to meet challenging objectives."

Endrew, a child diagnosed with autism, received annual IEPs from preschool through fourth grade. His IEP goals and objectives largely carried over from one year to the next, without significant improvement on *Endrew's* problematic behaviors. *Endrew's* parents believed his academic and functional progress had stalled and, when the district proposed a similar IEP for *Endrew's* fifth grade year, they withdrew him from public school. *Endrew's* parents then placed him in a private school that specializes in educating kids with autism. *Endrew's* parents eventually filed a complaint seeking reimbursement for the tuition they paid to that private school.

Prior to this ruling, the Eighth Circuit, which has jurisdiction over Minnesota, declared that FAPE required schools to provide an IDEA-eligible student with an IEP that confers "some educational benefit" that is more



Christian R. Shafer
Attorney
Ratwik, Roszak & Maloney, P.A.



Emily J. Schnaidt
Attorney
Ratwik, Roszak & Maloney, P.A.

Legal Issues continued on page 11.

MASE

transitions

Retirements

Carol Anhalt, Executive Director, Zumbro Education District

Pauline Bangma, Director of Special Education, Rum River Special Education Cooperative

Ann Bettenburg, Director of Student Services, Mounds View Public Schools

Stephanie Corbey, Executive Director of Individualized Student Services, Burnsville-Eagan-Savage

Lori Fildes, Director of Special Services, Wayzata

Debbie Kelly, Special Education Coordinator, Rosemount-Apple Valley-Eagan

Nicole Halabi, Director of Special Services, Columbia Heights

Julie Ladwig, Director of Special Education, Waseca

Kris Tolzmann, Director of Special Education, Minnesota State Academies

Thank you for your service to education and congratulations on your retirement!

District Changes

Christina Bemboom, Principal, Sauk Rapids-Rice to Director of Specialized Services, Eden Prairie

Stacey Dahlby, Special Education Facilitator, Edina to Director of Secondary Special Education, Anoka-Hennepin

Scott Hare, Assistant Director of Special Services, Stillwater to Director of Student Special Services, Mankato

Mary Margaret Mathers, Special Education Program Specialist, Freshwater Education District to Program Specialist, Little Falls

Sara Pratt, Assistant Director of Special Services/Principal, Intermediate School District 917 to Assistant Director of Special Education, Northfield

Jody Remsing, Special Education Supervisor, Burnsville-Eagan-Savage to Wayzata

Stephanie White, Director of Special Education, Mankato to Executive Director of Individualized Student Services, Burnsville-Eagan-Savage



The Stenswick Benson Scholarship Award Program began in February of 1991 through MASE (Minnesota Administrators for Special Education). Its purpose is to recognize the legacy of the many leaders within Special Education represented by Ellsworth Stenswick and Loren Benson through a scholarship award to an individual completing exemplary graduate study in the field of special education.

Funds have been raised primarily through an auction now held every other year during the Special Education Directors' Fall Conference.

Scholarships are awarded to individuals completing exemplary graduate studies in the field of special education at a Minnesota public college or university.

This year we had 27 applications for four \$2,000 scholarships. We are pleased to announce this year's recipients:

- **Zandra Bail-Lalonde, Northern Lights Special Education Coop - University of North Dakota**
- **Meagan Blake, Moorhead Public Schools - MSUM Moorhead**
- **Candace Burckhardt, Indigo Education - Bethel University**
- **Sonni Sellner, St. Francis Schools - St. Cloud State University**

Special thanks to Scholarship Committee:

Shannon Erickson, Scholarship Committee Chair and Director, Fergus Falls Area Special Ed Coop

Keith Erickson, Retired, previously at Albert Lea

Eva Pohl, Director at PAWN

Kori Ryan, Director at SWWC Service Coop

Jill Skarvold, RLiF at Lakes Country Service Coop

Learn more at www.mnase.org/stenswickbenson-scholarship

2017-18 MASE Election Results

Congratulations to the following candidates who have been elected to MASE leadership positions. MASE appreciates these leaders for their commitment to MASE and Minnesota education and offers them thanks and best wishes as they begin their terms of service!

MASE President-Elect (2017-18)

Laura Pingry-Kile, Director of Special Services, Eastern Carver County Schools



Laura Pingry-Kile
Director of Special Services
Eastern Carver County
Schools
MASE President-Elect

MASE Treasurer (2017-19)

Linda Gardner, Director of Special Services, Hopkins Public Schools



Linda Gardner
Director of Special Services
Hopkins Public Schools
MASE Treasurer

Retire Representative (2017-19)

Nan Records, MASE Retiree and Regional Low Incidence Facilitator, National Joint Powers Alliance has been elected as the Retiree

Welcome new MASE Board Members!

Area D (Region 5 & 6) - 2017-19

Jamie Nord, Executive Director, St. Croix River Education District

Area F-I (Region 2) - 2017-19

Sarah Mittelstadt, Director of Special Services, Southern Plains Education Cooperative

Area G (Region 9E) - 2017-19

Kim Chalmers, Director of Special Services, Farmington Area Public Schools

Also of Note:

MASA Metro (Region 9) Special Education Component Group Rep. (2017-19) - MASA Election:

Renee Ouillette, Director of Special Services, Lakeville Area Public Schools

MASE CALENDAR

2017

June 15-16

MASE Board Retreat

Crowne Plaza Minneapolis West, Plymouth

July 1

MASE Membership Renewal

September 8

Special Education Directors' Forum

8 am-4:30 pm
Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

October 25

MASE Board of Directors Meeting MASE New Leaders Cohort

Cragun's Conference Center, Brainerd

October 25-27

MASE Fall Leadership Conference

Cragun's Conference Center, Brainerd

November 15

MASE New Leaders Cohort

December 6-7

MASE New Leaders Cohort

Metro Area

December 7

MASE Board of Directors Meeting

MASE Offices, St. Paul

December 8

Special Education Directors' Forum

8 am-4:30 pm
Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

2018

March 7

MASE Board of Directors Meeting MASE New Leaders Cohort

Minneapolis Marriott NW, Brooklyn Park

March 8-9

MASA/MASE Spring Conference

Minneapolis Marriott NW, Brooklyn Park

May TBD

MASE New Leaders Cohort MASE Best Practices Conference

June 21-22

MASE Board of Directors Retreat

Madden's Conference Center, Brainerd

Just a Reminder - CASE Membership Has Been Made Easy!

Please be on the look-out for the yearly membership materials this spring from MASE which will also list CASE membership.

Here are the **Top Ten Reasons** to join CASE when you do your annual MASE membership:

10. Keep up to date on special education issues and significant research, practices, and trends!
9. Network, network, network with colleagues near and far!
8. Weekly targeted electronic communications with the latest special education news!
7. Opportunities to increase your professional involvement!
6. Add to your expertise through excellent conferences, webinars, journals!
5. Get resources and CASE endorsed products at REDUCED prices.
4. Develop your skills and get leading edge information on how to be a stronger leader!
3. Make a difference with policymakers - local, state, national!
2. Influence our profession! Remember, "Never doubt that a small group of thoughtful committed citizens can change the world; indeed, it's the only thing that ever does." (Margaret Mead)

And, the top reason to join CASE

1. **Improve the educational success of all students! Isn't that why you became a special education administrator in the first place? ●**



Jill Skarvold
CASE Liaison, MASE

Legal Issues from page 8.

than trivial. *Neosho R-V Sch. Dist. v. Clark*, 315 F.3d 1022 (8th Cir. 2003). See also *E.S. v. Ind. Sch. Dist. No. 196*, 135 F.3d 566, 569 (8th Cir. 1998). This standard was similar to the *de minimis* standard the Supreme Court rejected in *Endrew*. The *Endrew* standard may be interpreted as more demanding and, accordingly, IEP teams will need to reevaluate whether the goals in students' IEP are "appropriately ambitious" based on the student's individual needs.

As always, it is also important for IEP teams to document the rationale for goals and services in the IEP. Given the *Endrew* standard, that documentation should include the discussion of why each goal is appropriately ambitious for the student. If an IEP is challenged, school officials should be able to point to documentation that clearly outlines the team's reasoning. The lack of any record of the team's decision-making process may be used against the school in the event of a legal challenge.

School districts are encouraged to consult their legal counsel with any questions about how the *Fry* or *Endrew* decisions apply to them. ●

RRM: #253592

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