

Fall, 2014

## 10 Ways Leadership is Like Getting Hit on the Head

by Cherie Johnson  
MASE President & Executive Director  
Goodhue County Education District

Everyone gets hit on the head in their life, at least one time, figuratively or literally – a time when you are tested or things go wrong. In July, I literally got hit on the head and sustained a serious injury. Over the past weeks, I have been forced to reflect on many parts of my life and I've realized that getting hit on the head is a lot like leadership. Let me share ten similarities.

### 1. You need patience.

Following the accident on July 5th, I was sure that I would be back to work by July 9th. Really, why would I need a month or possibly two months off? Getting hit on the head (yea, there may have been more subtle ways to get my attention but obviously God felt I had a thick skull) forced me to come to the realization that being patient and using the gift of time would ensure a better result. Accomplishing a goal, in this case getting back to work quickly, was not going to lead to long-term success. Leadership sometimes means believing that a slow, deliberate pace will deliver a better result.

### 2. You need to let go.

It's important to remember that trusting your team is a sign of strength, not weakness. Delegating tasks

is one of the most important skills you can develop. The emails and tasks will begin to pile up, and the more you stretch yourself thin, the lower the quality of your work will become, and the less you will produce.

When I returned home following my surgery, I met with my administrative assistant and assistant directors. I told them I would be out for a couple of weeks (yea, I was still firmly in denial at that point). Of course, being in special education they knew I wouldn't be back so soon and they didn't expect to see me until fall. They competently executed all tasks. They took over my email (my account has never been so well handled), the MDE work (I'm not sure what we've spent our federal funds on but I'm sure it's good for kids), hired staff, created PD, and finished designing a building! Most importantly, they pulled together teams of staff and worked to not only keep things running, but to continue growing and dreaming about how to make it better.

I trust and believe in my team. They have excelled and learned throughout this journey. If I had not been hit in the head, they may never have known how far they could successfully stretch themselves.

### 3. You need the data.

Leaders need to understand the complexities of their organization, recognize opportunities for better use of data, and make use of the data to organize resources. Following my traumatic brain injury, I had 27 stitches on the side of my head. I had a great surgeon. The stitches were perfect (Great Aunt Frances who still tats at age 98 would be proud). But as great as they were, I hadn't washed my hair. I



Cherie Johnson

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## Association Update

by John Klaber  
MASE Executive Director

I hope that you were able to catch your breath and enjoy yourself this summer. More importantly, I hope that you were able to fill all of your open positions with highly qualified candidates. It is the beginning of August as I sit at my computer to write this column, you will not be reading this article until after the start of school this fall. I'll provide you with a quick update of summer's activities and then focus on the upcoming school year.

The work of the caseload taskforce has culminated with a proposal from MDE for an expedited rule-making process. I believe that the rule-making process itself is best served by allowing folks to weigh in and is truly in the best interest of all stakeholders. From my perspective, and after reviewing the proposal with the MASE members who participated in a MASE legislative committee meeting, there appears to be little difference between what was agreed upon within the taskforce and the proposed rule changes. I view this as quite a positive step in the right direction by MDE. On more than one occasion we have been bitterly disappointed and surprised with the extent to which proposed rules differed from what was understood to have been agreed upon by all the parties participating in the taskforce/work group process. You should have received two documents. One was a copy of our organization's request for a hearing, identifying two specific areas of concern. The other is a template that you could have used formally requesting a hearing...hopefully you did.

In July, we responded to OSEP's proposal regarding disproportionality. We emphasized that we support assuring that all students are treated with respect and consideration for their needs. By the same token, we shared concerns over factors for which the LEA may have no control. This includes unusual and sudden changes in disability numbers exacerbated by small populations of students. We also shared our concern that the LEA should not be held immediately responsible for the actions of other LEAs who made the determination regarding eligibility when it comes to newly enrolled students. Finally, we requested that an appeal process be made available prior to the imposition of consequences.

We await the new shake-up in leadership in the Division of Assistance and Compliance with the departure of Patricia Templin.

Along with Jill Skarvold, our CASE liaison and Todd Travis, our president-elect, I had the opportunity to travel to Washington D.C. in early July to meet with our senators, representatives (who expect to be back for the next term), and/or their aides.

In our conversations, we emphasized the importance of moving forward on the re-authorization of ESEA and IDEA. We also chose to downplay the whole issue of promised full funding for IDEA, preferring to emphasize the role that the legislators can play in helping to make the services to students with disabilities more efficient and more focused on true educational outcomes. We shared that the Office of Special Education Programs (OSEP) should be lauded for their purported desire to focus their monitoring efforts on educational outcomes for students with disabilities. We then cautioned that this should not come as an addition to the already unreasonable focus on due process compliance, but instead a clear and positive redirection. I also made it very clear that as the MASE executive director, I wanted to hear from them should they have any questions as to how legislation (any legislation) might impact services to students with disabilities. I also reiterated that I understood the time limitations under which they often worked and that I would be very respectful of their need for a timely response. That being said, if I call upon you for assistance responding to a congressional question or issue, please get back to me asap. I want our legislators to think of us as a valuable resource. The take-aways from the trip include: a general frustration with how Congress functions, regardless of political affiliation; the capitol is full of twenty-somethings, who as aides and interns may have significant input on legislation; and I did not need to pack three different sweaters and sweatshirts with 90+ degree temperatures with 70+ percent humidity.

Over the next few months, we will finalize our platform for the next legislative session. Please make sure that you share your thoughts, either as a member of the legislative committee or by communicating with your region's board representative.



John Klaber

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**John Klaber**

## Update ... Continued from Page 2

Speaking of the legislature, we have already set the date for our Day at the Capitol. Please plan on attending: Thursday, March 5, 2015. For your convenience, this is the day before the March Directors Forum. We will also be reserving a meeting room at the Kelly Inn to allow for ease of parking and meeting. There is also a block of hotel rooms for those traveling from out-state and who will need to stay overnight Wednesday and possibly Thursday (please request the MASE group rate, available until Feb. 1).

I will renew my efforts to encourage changes in how we recruit and retain special education teachers and specialists. My message will continue to be that bright and creative individuals have many more pleasant and positive alternatives to working within the area of special education...and we need to fix that. Critical to that effort is allowing our staff to spend more of their valuable time in the instruction and support of student learning versus the creation of paperwork.

We will also be working on providing members with additional guidance and training regarding the new financial system being put into place by MDE. Finally, we will monitor and continue to attempt to influence the department's efforts toward the creation of a unified electronic due process paperwork system.

I will try to get to each of the region's meetings. First on the agenda is a trip up to the Northeast. Please let me know when and where your region will be meeting and I'll be there.

I'm always available to you and appreciate hearing your thoughts...jpklaber@gmail.com or (507) 469-9096.

### Visit the MASE Website!

The MASE Website is a resource for you! You'll find many member resources including the MASE calendar, publications, model contracts, legislative hot topics and more...

**www.mnase.org**

**IMPACT** is your newsletter and we encourage your input! If you have ideas or an article to share, please contact us at the MASE offices—(651) 789-4061 or email us at [aranallo@mnasa.org](mailto:aranallo@mnasa.org).

## 2015 Legislative Session Expectations

by Brad Lundell  
MASE Lobbyist

The dust has only recently settled on the 2014 legislative session, but that doesn't mean all is quiet on the special education policy front. There are a few issues that remain hanging at the end of the session that will have to be tackled as we prepare for the new legislature to convene in January, 2015.

Perhaps the biggest issue facing special education administrators is that of the new teacher evaluation law that takes effect during the 2014-2015 school year. It is complex for special education administrators for several reasons, foremost among them is how teacher performance will be measured for teachers who do not have direct student contact or whose contact with students is not central to students' academic performance. Most local school districts are developing their own systems for dealing with personnel in these categories, but it still may be difficult for many districts to put together a system that will accomplish what state law requires right out of the gate.

Compounding this problem will be a lack of resources, especially for those school districts that are not currently participating in the state alternative compensation (QComp) system. The legislature will be providing limited resources for districts not participating in alternative compensation on a one-time basis for the coming school year, but that revenue translates to something between \$18 per pupil unit and \$20 per pupil unit depending on the size of the district (the one-time teacher evaluation revenue is being distributed on a per FTE basis). Another angle in this issue that is going to cause huge problems for a number of special educators is that special education cooperatives and education districts will not receive any additional revenue to perform teacher evaluation duties, as the law only mentions school districts, charter schools, and intermediate school districts as units that are eligible to receive one-time teacher evaluation revenue.

Both of these issues—amount of revenue available to perform teacher evaluation duties and the units eligible to receive this revenue—will have to be addressed during the 2015 legislative session and I urge all of you who are adversely affected in terms of amount of revenue or inability to receive revenue to talk with legislative candidates during the remainder of the campaign to make certain they are aware of this issue.

The Minnesota Department of Education is also convening the study group to talk about Multi-Tiered Systems of Support (MTSS) and that group will begin meeting in September. It will be interesting to see how this study group proceeds and the breadth of the discussion. The study is due to be reported to the legislature by February 15, 2015, with recommendations for possible action. Most districts in the state are moving toward some type of MTSS program, but the approaches vary widely and it will be interesting to see how these approaches coalesce in the study group process.



Brad Lundell

In closing, I want to reinforce the importance of getting out to meet with legislative candidates during the campaign season. Once the legislative session starts, it is very difficult to foster relationships with your local legislators due to the time constraints imposed by the session. Taking the opportunity to meet candidates before the election, introducing yourself, and giving the candidate a cursory review of your duties and the challenges you face day-to-day in performing these duties can yield benefits down the road. Legislators are faced with a large knowledge gap, especially on issues like special education that are extremely complex. Establishing yourself as an expert that they can call upon when they have questions helps strengthen the process and can go a long ways toward improving the quality of legislation.

Feel free to contact me with any questions you have in the months ahead. I can always be reached at [lundelllegislative31@gmail.com](mailto:lundelllegislative31@gmail.com) or 612-220-7459.



# Hit on the Head ... Continued from Cover

desperately wanted to wash my hair. I needed data and I knew just where to find it! Wikipedia! Sure enough, I found an article that said I could get the stitches wet after just three days!

On a more serious note, getting hit on the head has illustrated how important data is to managing our systems, including our body systems. I needed to see the brain scans to understand why I couldn't remember the simplest of tasks and how to compensate for that issue. I needed charts and post-it notes and people tracking me to make sure I was okay before I could move to the next step. And, yes, as my illustration with Wikipedia shows, data is in the eye of the beholder. But manipulating data will not lead to a better result.

This was one more opportunity for me to further understand and appreciate the need to put data in the hands of our staff members, parents, and board members. Data enables all of us to make informed decisions. Effectively managing our school data can lead to better outcomes.

#### **4. Sometimes you need to be a follower.**

It was strange to be thrust in the role of follower. While strange, all organizations need followers as well as leaders. In the role of follower, I was reminded of this importance.

As leaders we build and develop our teams; we build capacity in our systems and in our people. When an organization is designed effectively, the roles of leaders and followers fluctuate. One may take a lead on a project while following the vision of another on a different project; both roles are essential.

#### **5. You need to be vulnerable.**

We're all afraid at times, of what might or might not happen, what we can't change, what we won't be able to do, or how other people might perceive us. Sometimes it is tempting to ignore what you know to be the next step. But ignoring things does not make them go away. While I would have really enjoyed sitting in a corner eating chocolate (dark chocolate, healthy for the brain you know!) and reading vampire novels, I could not ignore my situation.

I had to put my fears aside. It was one of my teachers with whom I finally shared my fears....the debilitating headaches, the fleeting attention span, the time last month when I couldn't remember how to fax a paper, another time when I couldn't open my calendar on my phone because I was stuck in a loop opening another app. She encouraged me to share those things with others so we can all better understand those we work with everyday.

#### **6. You need partnerships.**

Partnerships are valuable under any circumstances.

It is essential that we build multiple partnerships to support the important work we need to do for our students. MDE hosts director forums to connect people and agencies. MASE sponsors partnerships that build capacity in people while developing important relationships. Region 10 connects people from multiple districts. All of these professional partnerships help us meet our students' unique needs on an ongoing basis.

I have always known the value of those partnerships that we have built from a day-to-day and year-to-year perspective. The strength of these relationships has never been as apparent as over the weeks following my head injury. Partners have reached out and continue to support me, as well as my team. It is clear; we are all in this partnership of serving students together.

#### **7. Creativity and innovation are important.**

Creativity is one of my highest values. I believe it is core to all that we do both at home and at work. Decisions are not always clear. In life we are often forced to deviate from our set course and make a course correction. This is why creativity is so important. As a leader, it's important to learn to think outside the box and to choose which choice is the best option. Don't immediately choose the first or easiest possibility; sometimes it's best to give these issues some thought, and even turn to your team for guidance. By utilizing all possible options before making a quick decision, you can typically reach the end conclusion you were aiming for.

This is the first time in twelve years that I have not had any part in the planning of fall professional development and the start of school. But you know what? I know it will be our best one ever. There will undoubtedly be some adherence to past practice but there will also be many new creative approaches and ideas interwoven.

#### **8. You need to understand that life is about choices.**

I am always telling my children that life is full of choices. You always have a choice but remember there are consequences or ripples to each choice you make – play Minecraft or play with the dog, for instance. In my case, if my boys play Minecraft and choose not to play with the dog, the dog will eat a shoe.

In leadership we need to communicate honestly about our choices because every choice does have an effect. As a leader we have to be able to say yes or no at times because of that effect; illustrating the choices and effects help those around us see goals more clearly.

**Hit on the Head ...  
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## Why Your Professional Development is Important

by Renea Ouillette  
MASE Professional Development Committee Chair &  
Director of Special Services  
Lakeville Area Public Schools

When I started my job as a special education coordinator in 1997, one of the first things the director of special education did was have me sign up for a MASE membership. Although I didn't have a clue what that would do for me in my career or why I needed to be a member, I saw how important it was to him and eagerly filled out the application. In October 1997, I attended a MASE Fall Leadership Conference. It would be the first of 17 fall conferences I would attend. I was a complete newbie as I arrived at Cragun's; didn't know a soul except my director, the wonderful Stan Bomsta. My anxiety was very high and I wondered how I would make it through the two days. But at breakfast, two lovely people, Rick and Candy Lubansky, welcomed me to sit with them and introduced me to a host of wonderful, friendly people who shared my passion for special education. I found the conference to be informative, but, more importantly, fun and full of folks willing to share their thoughts, ideas, and advice with a new leader.

Over the years MASE has been, for me, a family. Although we might not always see each other frequently, we might like some members better than others, and we might not always agree, we all share a common bond in our passion for and frustration with special education. At MASE events we feel a sense of safety and security. We can be ourselves and speak our truth. There is joy in seeing familiar faces.

If you think joining professional organizations and attending professional development activities are just methods to gather the latest information about rules, mandates, teaching practices and horrifying court decisions, I would argue that you are wrong. Although those things are certainly important, the most important part about being a member of MASE, or any professional organization, is connection. My MASE colleagues have been there for me through so many tough situations, both personally and professionally. Most of the high quality learning I have received in my career came from fellow directors and other special education leaders with MASE. If you are a new or newer leader, you may be thinking "Being a member is expensive," or "Oh, I am way too busy to take time from work to attend the fall conference," or "Why do I need to go the MASE conferences, I'll just attend the MDE Director's Forums?" While I am only speaking for myself, I believe that joining MASE and

attending the fall conference (or any MASE activity) are critical to your long-term success. Being a director of special education or special education leader can be an isolated, lonely job. Who else in your district understands what you do? Who do you go to for advice or guidance?

To be successful leaders we need good practical training to help us do our jobs effectively, but we also need a network of people who can support us, laugh and cry with us, and just listen to us with an understanding of the complexity of our jobs. This is the true value of a professional organization. Research has established that among school factors influencing learning, leadership is second only to instruction (Leithwood, Louis, Anderson, & Wahlstrom, 2004). In order to be great leaders, we need support from others who have walked in our shoes and we need places to go that give us the renewed strength and energy to get back out there and keep advocating for children and families. As fall is quickly approaching, I look forward to October and my 18<sup>th</sup> MASE Fall Leadership Conference. I know I will have a great time, learn a few things, and leave feeling better about myself.

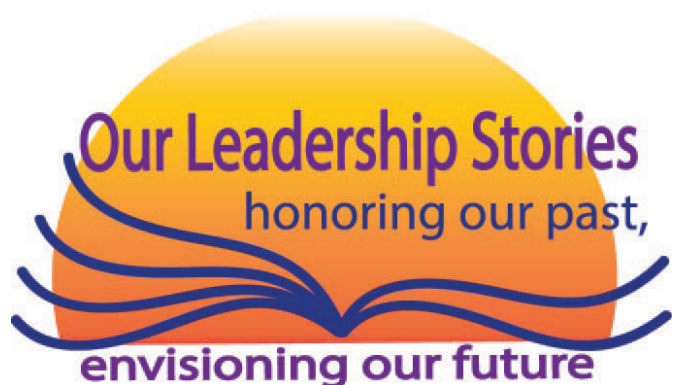
This year, make a commitment to connect with your colleagues and find time for your own professional development. It is not a luxury, it is a necessity.



Renea Ouillette



**REGISTRATION COMING SOON!**  
**CLM Fall Conference**  
November 12 - 14, 2014  
Cragun's, Brainerd



**2014 MASE  
Fall Leadership Conference  
October 22 - 24, 2014  
Cragun's, Brainerd  
Register at [www.mnase.org](http://www.mnase.org)**

*Every moment of every day, we live the continuing story of our lives. From the time we are young, the words, "let me tell you a story," have the power to grab our attention. There is no more powerful way to relate our history, no more poignant way to connect through our feelings, no more pointed way to convey the meaning we find in our lives. As leaders, we pass on the narrative that establishes our common practice and shares its traditions. Through story we teach, learn, build community and foster understandings. This fall, gather with your colleagues and celebrate the stories that are the bedrock of our leadership history and the seeds of our future.*

### Conference Highlights

The best way to start a conference about stories is by telling some of those stories. On Wednesday evening join MASE Executive Director **John Klaber**, as he shares the funny, the frank, the heartfelt, and the hilarious tales that make us who we are! Thursday morning's keynote speaker, **Rick Lavoie**, will lead a workshop to share strategies for collaborative and effective communication, conducting meaningful parent/teacher conferences, dealing with conflict and much more! On Friday morning, **Nelson Lauver's** uplifting presentation, *Most Unlikely to Succeed*, is an inspirational story that will speak eloquently and profoundly to anyone who has ever struggled to be heard, to be understood, or to make their way in the world.

On Thursday afternoon and Friday morning, individualize your professional learning by attending a variety of breakout sessions.

During the MASE Annual Meeting, in addition to a brief association update, participants will hear from Minnesota State Policy Director Barbara Troolin. Claudine Knoblauch will also lead a conversation with Dr. Norena A. Hale about her insights into Minnesota's special education administration evolution.

Thursday's Exhibit Fair features a number of MASE's colleagues in business, offering the latest in products and services of interest to special education leaders.

There's an app for this! Our conference app provides many great features for participants to personalize their conference experience including: program information, personal profiles, announcements, exhibitor details, and audience feedback. Our app will work with smartphones, tablets and laptops so BYOD (Bring Your Own Device)!

Each year at our fall conference, we hold several fundraising events to benefit leadership development in special education. This year, we again dedicate our efforts to supporting MNSELF.

Our theme for Wednesday evenings' Wine Tasting is "Gads-Suess!" so get out your jing tingers, flu floppers, and tar tinkers and head for Brainerd where we will sample beverages and celebrate all



Image Source: meadelibrary.info

things Dr. Suess. Our MASE Areas will once again sponsor tables and our theme this year invites the regions to show off their best gads-suess through their table theme. All of our Whos down in Whoville will vote for their favorite table, and the beautiful (oo-ahhhh) MASE traveling trophy is at stake!

Shop 'til you drop during Thursday's Silent Auction. Silent Auction bidding will be open all day, closing at 6 pm. On Thursday evening, attend the Pumpkin Patch Bash, featuring music from Spirit of the Radio, and Brainy Buddy colleague consultations.

## The Changing Role of the School Psychologist: Moving into the 21st Century

by Kim Gibbons  
MASE Past-President and Executive Director  
St. Croix River Education District

For the past two decades, the field of school psychology has been moving away from a refer-test-place model where school psychologists function as the gate-keepers to special education toward a model that embraces the use of problem-solving to identify effective research-based interventions match to student need. Once interventions are identified, school psychologists ensure that interventions are implemented with fidelity and the progress monitoring data are collected and used to inform instruction. This "paradigm shift" has occurred due to the demand for better results across education systems and because we have realized that previously separated systems of general, remedial, and special education must be integrated more effectively to use our resources more efficiently and to improve outcomes for students.

The National Association of School Psychologists (NASP) is accrediting training programs based on a practice model that includes the following ten domains:

1. Data-Based Decision-Making and Accountability
2. Consultation and Collaboration
3. Interventions and Instructional Support to Develop Academic Skills
4. Interventions and Mental Health Support to Develop Social and Life Skills
5. School-Wide Practices to Promote Learning
6. Preventive and Response Services
7. Family-School Collaboration
8. Diversity in Development and Learning
9. Research and Program Evaluation
10. Legal, Ethical, and Professional Practice

Thus, school psychologists in the 21<sup>st</sup> century are leaving their graduate programs with a vast array of skills that can be useful to districts in improving academic and social-emotional outcomes for all students.

Despite the fact that school psychology training programs in Minnesota and nationally are training school psychologists to function within a multi-tiered framework of service delivery, school psychologists in Minnesota continue to report that their skills continue to be used in a more narrow, gate-keeping capacity. In 2007, Kevin Filter from the Minnesota State University-Mankato conducted a survey of practicing school

psychologists in Minnesota. Over 150 participants filled out an online survey including questions about number of hours spent per week on various professional activities and the need for additional training. The top five activities by reported were:

1. Writing Reports
2. IQ testing
3. Consulting with school staff
4. Participating in special education eligibility meetings,
5. Administering and scoring behavior rating scales.



Kim Gibbons

I have heard from many of my colleagues about the shortage of school psychologists that exist and the problem many districts have with retaining school psychologists. While we don't have direct control over the shortage, we can control retention by setting up systems where school psychologists can use the skills they have in their repertoires across multi-tiered instructional service delivery models. School psychologists are heavily trained in data and data interpretation, research-based interventions, instructional and behavioral consultation, assessment skills across the domains of curriculum, environment, instruction, and learner, and the use of a problem-solving decision making model. If we limit their roles to strictly administering standardized tests of achievement and intellectual ability, report writing, and determining special education eligibility, we are ignoring a vast array of skills that could be utilized to improve outcomes for all students in our district. We are also increasing the probability of low job satisfaction and higher turn over.

As this year begins, I encourage you to reflect on how you are using your school psychologists. Are you expecting them to operate in the "old paradigm?" If so, how can you begin making the shift to the new paradigm? While it is difficult to move away from established practices, it is important to remember that if you keep doing what you have been doing, you will keep getting what you have been getting!



## Introducing the 2014-2015 MASE Committees

### 2014-15 MASE Professional Development Committee

*Chair: Renae Ouillette, Director of Special Services, Lakeville Area Public Schools*

- H Michelle Bethke-Kaliher, Robbinsdale Area Schools
- H Kathleen Brown, Osseo Area Schools
- H Mary Clarkson, Richfield Public Schools
- G Lindsay Engberg, Rosemount-Apple Valley-Eagan Public Schools
- C Shannon Erickson, Fergus Falls Special Education Coop
- D Heidi Hahn, Paul Bunyan Education Coop
- H Karen Kennedy, Innovative Special Education Services
- H Jill Kenyon, Anoka Hennepin School District
- F-1 Julie Ladwig, Waseca Area Schools
- Retired Kathy McKay
- F-1 Sarah Mittelstadt, Southern Plains Education Coop
- C Michele Mogen, Moorhead Area Public Schools
- G Sara Pratt, Farmington Area Public Schools
- D Nan Records, Sherburne/N Wright Sped Coop
- E Tammy Stahl, SW/WC Service Coop
- H Marti Voight, Robbinsdale Area Schools
- G Marcia Walker, Columbia Heights Public Schools
- F-2 Billie Ward, Minnesota State Academies
- G Melissa Schaller, Int. School District 917

### 2014-15 MASE Nominating Committee

*Chair: Jill Skarvold, Director of Learner Support Services, Moorhead Area Public Schools*

- H Mary Clarkson, Richfield Public Schools
- D Janine Dahms Walker, St. Cloud State University
- C Shannon Erickson, Fergus Falls Special Education Coop
- H Karen Kennedy, Innovative Special Education Services
- Retired Kathy McKay
- H Merri Miller, SW Metro Educational Coop
- G Carla Nohr Schulz, Farmington Area Public Schools
- A Eva Pohl, BRIC
- G Melissa Schaller, Int. School District 917
- E Tammy Stahl, SW/WC Service Coop

### 2014-15 MASE Member Services Committee

*Chair: Reggie Engebritson, Executive Director, Northland Special Education Coop*

- G Lindsay Engberg, Rosemount-Apple Valley-Eagan Public Schools
- G John Fry, Stillwater Area Public Schools
- D Heidi Hahn, Paul Bunyan Education Coop
- G Mary Kreger, Rosemount-Apple Valley-Eagan Public Schools
- F-1 Julie Ladwig, Waseca Area Schools
- G Carla Nohr Schulz, Farmington Area Public Schools
- G Sara Pratt, Farmington Area Public Schools
- F-1 Erin Toninato, River Bend Education District

### 2014-15 MASE Strategic Plan Committee

*Co-Chair: Todd Travis, Director of Special Education, Midwest Special Education Coop and*  
*Co-Chair: Teresa Ostlie, Director of Special Education, SW/WC Service Coop*

- Retired Kathy McKay
- F-1 Erin Toninato, River Bend Education District
- H Marti Voight, Robbinsdale Area Schools
- H Ellen Voigt, Eastern Carver County Schools

### 2014-15 MASE Legislative Committee

*Co-Chair: Kim Gibbons, Executive Director, St. Croix River Education District and*  
*Co-Chair: Melissa Schaller, Director of Special Education, Int. School District 917*

- F-2 Dan Armagost, Southern MN Special Ed Consortium
- H Michelle Bethke-Kaliher, Robbinsdale Area Schools
- D Janell Bullard, MAWSECO
- C Kathleen Bushman, Osseo Area Schools
- H Caroline Carritt, DaVinci Academy of Arts and Science
- H Mary Clarkson, Richfield Public Schools
- A Dustin Hinckley, BRIC
- H Tricia Hughes, Robbinsdale Area Schools
- John Klaber, MASE
- G Mary Kreger, Rosemount-Apple Valley-Eagan Public Schools
- F-1 Julie Ladwig, Waseca Area Schools
- Brad Lundell, MASE
- C Marcy Matson, Detroit Lakes School District
- H Jennifer McIntyre, Int. School District 287

**Committees ...**  
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# Bridging the Gap: The Safe and Supportive Schools Act Requires Schools to Involve Special Educators in Bullying Situations

by Nancy E. Blumstein and  
Christian R. Shafer  
Ratwik, Roszak, & Maloney, PA

Does this sound familiar? A special education student with behavioral needs punches another student in the locker room. The non-disabled student and his peers retaliate by surrounding the disabled student, calling him names, taunting him, and, ultimately, assaulting him. The teacher reports the incident to the principal. The principal investigates and disciplines all of the students involved. The disabled student's case manager never hears a word about the incident... until the disabled student's parents complain that their son was unfairly disciplined and the school does not do enough to protect him from bullying.

As special educators are all too aware, building administrators often view student misconduct as a purely disciplinary matter. As such, these administrators are usually reluctant to involve special educators when misconduct involves disabled students. This often results in misapplication of a student's IEP, errors in following legally required disciplinary procedures, and a missed opportunity for a student's education team to help him or her develop skills to either refrain from engaging in or respond appropriately to other students who are engaging in negative or bullying behavior.

The 2014 Safe and Supportive Schools Act ("Act"), widely known as the anti-bullying law, directly addresses this regular education / special education disconnect when the misconduct in question is bullying. Among its many other provisions, the Act requires all Minnesota school districts and charter schools to adopt a local policy that contains certain elements, or else complies with the Department of Education's model policy. Minn. Stat. § 121A.031, subd. 3 (2014). If your district or charter school adopts a local policy, the Act requires it to:

where appropriate for a child with a disability to prevent or respond to prohibited conduct, allow the child's individualized education program or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct.<sup>1</sup>

Minn. Stat. § 121A.031, subd. 4(a)(8) (2014).

In other words, rather than simply suggesting that regular education administrators consult with a student's special education case manager, the Act requires schools to involve IEP teams and 504 teams in responding to instances where a disabled student bullies, or is bullied by, another student. The amount of involvement that a team will have in such a situation depends largely on the facts of each individual situation. However, at a minimum, the team must decide whether it is appropriate to change the student's IEP or 504 plan to address the behavior. If the team decides that such a change is appropriate, then, of course, it will have an additional role as it amends the student's IEP or 504 plan.

By requiring schools to "allow" disabled students' educational teams to make any appropriate changes to IEP or 504 plans, the Act effectively requires communication between administrators and special educators when there is a bullying incident involving a disabled student. After all, a team cannot determine whether it is appropriate to change a student's IEP or 504 plan to address bullying if it is not aware of the incident.

Turning back to the initial hypothetical, if the district adopted a policy consistent with the Act, then the principal responding to the bullying allegation should contact the student's IEP team to notify them of the bullying incident. Ideally, the principal would contact the team before imposing discipline on the special education student. Although not required by the Act, speaking with the team members before taking disciplinary action allows the team to remind the principal of applicable provisions in the student's IEP, conduct a manifestation determination, if required, and take action to address the bullying incident in the special education context.



Nancy Blumstein



Christian R. Shafer

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# Bridging the Gap ... Continued from Page 10

If your district or charter school does not adopt its own anti-bullying policy, or if its anti-bullying policy is not consistent with the Act, then it must follow the Minnesota Department of Education ("MDE")'s model policy. Minn. Stat. § 121A.031, subd. 3(a) (2014). While the Department has not yet released its model policy, the Act requires that policy to contain specific elements. *Id.*, subd. 6. With regard to disabled students, the model policy must contain a provision requiring:

for a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct

Minn. Stat. § 121A.031, subd. 6(a)(3) (2014).

Like the provision of the Act related to local policies, this section reserves a place for special educators a role in addressing bullying. Unlike the local policy requirement, however, the model policy does not require schools to involve students' educational teams after a bullying situation. Thus, the district's individual policy is likely to be more proactive than the model policy.

It goes without saying that amending an IEP or 504 plan to address student behavior is not a new idea. Neither is including appropriate goals, programming, or support when an evaluation reveals individual behavioral needs or vulnerabilities. With the Act, however, the legislature has stressed the importance of allowing IEP teams and 504 teams to evaluate the need for, and make any, appropriate programmatic changes to address bullying.

These provisions in the Act are likely to have several important effects on Minnesota public schools. First, if your district or charter school adopts a local anti-bullying policy pursuant to the Act, building administrators must remember to inform IEP teams and 504 teams of bullying incidents involving disabled students. The failure to do so could be construed as a violation of the Act.

From a liability standpoint, the Act specifically gives the MDE the authority to monitor compliance with the applicable anti-bullying policy. Although the Act does not provide any specific remedy for the failure to adopt or follow an anti-bullying policy, responding to an MDE investigation regarding a district's alleged non-compliance with the Act or its own policy could be costly, in terms of money, staff morale, and time. It could also result in a public reprimand, which might

be used as evidence in a subsequent lawsuit or other proceeding against the district or charter school.

Perhaps more significantly, parents and their advocates often argue that disciplinary actions fail to take into account disabled students' individual needs. Parents and advocates also often claim that administrators take over team decisions. Even though the Act expressly states that it does not create any new cause of action, a parent could argue that the failure to "allow" an IEP team or 504 team to address bullying is evidence of such predetermination or administrative usurpation.

Schools should also keep in mind that student-to-student "harassment" on the basis of disability could be construed as violating state and federal antidiscrimination laws. Conduct that constitutes bullying may amount to such harassment if it is directed towards a special education student because of, or as a result of conduct related to, his or her disability. Schools can be held liable for student-to-student disability harassment under Section 504 if the plaintiff demonstrates "bad faith" or "gross misjudgment" on the part of the school. *M.K. v. I.S.D. No. 721*, 200 F.Supp.2d 1036, 1040 (D. Minn. 2002). If parents seek money damages based on a school's response to such harassment, they must also establish that the school was "deliberately indifferent" to such harassment, or intentionally acted out of ill will or malice towards the student. See *id.* at 1041.

Schools typically defend against claims based on student-to-student harassment by promptly taking effective action (disciplinary or otherwise) to stop the perpetrator(s) from engaging in future harassing conduct. Amending a student's IEP or 504 plan to address a disabled student's susceptibility to bullying, such as by increasing self-advocacy skills, might also be evidence that the school did not act "in bad faith" or with "deliberate indifference." This step should be taken in conjunction with, not as an alternative to, appropriately addressing the perpetrator's behavior.

In order to prove that a school involved a student's IEP team or 504 team in its response to bullying situations, we recommend that schools keep detailed records of when the regular education administrator contacted a disabled student's education team. Although not required, the use of a standardized internal form may assist with regularly documenting this involvement. As with other educational decisions, the team should also keep a record of its discussions regarding the bullying incident and its decision to amend, or not amend, the student's IEP or 504 plan to respond to it. Regularly keeping this kind of documentation will help protect schools should they ever need to defend their actions in an IDEA due process hearing, litigation under Section 504

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# Hit on the Head... Continued from Page 5

Getting hit on the head was certainly not a choice, but it has given me the opportunity to re-evaluate choices I make.

## 9. Having a sense of humor is important.

If your keynote speaker doesn't show, you lose that opportunity, or if your school psychologist quits during workshop week, guiding your team through the process without panicking is as challenging as it is important. Morale is linked to productivity, and it's your job as the leader to keep things positive. That's where your sense of humor will finally pay off. Encourage your team to laugh at the mistakes instead of crying. If you are constantly learning to find the humor in the struggles, your work environment will become a happy and healthy space, where your employees look forward to working in, rather than dreading it. Make it a point to crack jokes with your team and encourage personal discussions of weekend plans and trips. It's these short breaks from the task at hand that help keep productivity levels high and morale even higher.

Although I needed this accident like I needed a hole in my head (ha ha – yes, pun intended), I have found humor to be a useful tool.

## 10. Pay attention to your intuition.

When leading a team through uncharted waters, there is no roadmap to follow. Everything is uncertain, and the higher the risk, the higher the pressure. That is where your natural intuition has to kick in. Guiding your team through the process of your day-to-day tasks can be honed down to a science. But when something unexpected occurs, or you are thrown into a new scenario, your team will look to you for guidance. Drawing on past experience is a good reflex, as is reaching out to your mentors for support. Eventually though, the tough decisions will be up to you to decide and you will need to depend on your gut instinct for answers. Learning to trust yourself is as important as your team learning to trust you.

The intuition, the trust, the team all come in handy with a head injury...to say the least.

## 2014-2015 MASE New Leaders Cohort

The MASE New Leaders' Cohort is a series of professional development workshops that provide opportunities for:

- *newly employed Minnesota special education directors to explore the basic information needed for a successful first year*
- *mid-level leaders to enhance leadership skills either in preparation for advancement in leadership or for general skill development*
- *"newer" leaders who wish to refresh their training*

New Leaders Cohort participants have an opportunity to meet other new leaders, experienced colleagues, state department staff and resource people from the special education community. Topics include federal and state special education law, finance and budgeting, state reporting, program topics and leadership. Continuing education credits are awarded. *New this Year* - Select sessions will have role-specific content to build individual skills!

Session topics include:

- You're the Leader - NOW WHAT?
- Instructional Leadership
- Resource Stewardship and Budgeting
- Policy, Law and Political Influence
- Communication Skills for Leadership



MASE Member Rate is \$299 for all five sessions. Non-member rate: \$599 for all five sessions. More information is available at [www.mnase.org](http://www.mnase.org). Register today at <https://www.regonline.com/1415masenlcohort>. Questions? (651) 789-4061 or [aranallo@mnase.org](mailto:aranallo@mnase.org)

### Cohort Schedule:

- **Wed., Oct. 22, 2014**  
Cragun's, Brainerd
- **Wed., Nov. 12, 2014**  
Cragun's, Brainerd
- **Wed., Dec. 3 & Thurs., Dec. 4, 2014**  
TBD, St. Paul
- **Wed., March 11, 2015**  
Marriott, Brooklyn Park
- **Wed., May 6, 2015**  
Madden's, Brainerd



## Bridging the Gap ... Continued from Page 11

or the ADA, MDE compliance review or complaint investigations, or other legal or administrative proceeding.

The Safe and Supportive Act became law on April 9, 2014. Given the short time since its implementation, there is little guidance available to help school districts and charter schools comply with its terms, either in the special education context or otherwise. As of the date of this article, the State Technical Assistance Council described in the Act is not yet functioning, the MDE has not issued any final policies or promulgated any rules implementing the Act, and there have been no cases or administrative decisions interpreting its provisions. Until there is such guidance, we recommend that schools proceed with caution. Although the additional step of involving an IEP team or 504 team and documenting that involvement may slow down the disciplinary process or result in more work for school employees, making time for those steps is greatly preferable to an MDE investigation, a due process hearing, and, especially, costly public litigation. Because this is such an emerging area of the law, all schools are advised to consult with their legal counsel if they have any questions about what the Act, or their new policy, requires.

<sup>1</sup> The Act defines "prohibited conduct" as including bullying, cyberbullying, knowingly making false reports about bullying, and retaliating against another student for making a report or participating in a bullying investigation.

## Committees ... Continued from Page 9

- A Tammy Nielsen, Northwest Regional Interdistrict
- E Mary Palmer, SW/WC Service Coop
- F-2 Jillynne Raymond, Goodhue County Education District
- C Jill Skarvold, Moorhead Area Public Schools
- F-2 Billie Ward, Minnesota State Academies
- H Chad Williams, Belle Plaine/Jordan Public Schools

### 2014-15 MASE Federal Advocacy Committee

*Co-Chair: Todd Travis, Director of Special Education, Midwest Special Education Coop and*  
*Co-Chair: Darren Kermes, Executive Director, SW Metro Educational Coop*

- F-2 Dan Armagost, Southern MN Special Ed Consortium
- G John Fry, Stillwater Area Public Schools
- D Kim Gibbons, St. Croix River Education District
- H Tricia Hughes, Robbinsdale Area Schools
- G Jeff Jorgensen, Edina Public Schools
- Retired Kathy McKay
- E Mary Palmer, SW/WC Service Coop
- D Nan Records, Sherburne/N Wright Sped Coop
- G Melissa Schaller, Int. School District 917
- C Jill Skarvold, Moorhead Area Public Schools
- H Chad Williams, Belle Plaine/Jordan Public Schools



## SEND US YOUR PHOTOS!

The MASA and MASE lower level boardroom construction may be finished, but the boardroom is not yet complete. MASA and MASE are excited to announce a Call for Photos to be displayed in our boardroom. Whether you are a professional or amateur photographer, we want to showcase you!

**Theme:** Our Minnesota Schools. All MASE members are invited to submit photographs representing the great schools in their regions. Photos may be of places, people or things, past or present!

**Guidelines:** All entries must be original work and suitable for all audiences. Any identifiable person in the photo must sign a release form. Entries must be submitted digitally, and at least 300 dpi. Photographs will be enlarged and displayed in the boardroom for at least two years.

**To Submit:** Email your photograph (300 dpi), entry form (available on the MASA website), and release form (if applicable), to [aranallo@mnasa.org](mailto:aranallo@mnasa.org). The submission deadline is 4 p.m. on Wednesday, October 1.

Questions? Please contact Aimee Ranallo at (651) 789-4061, or [aranallo@mnasa.org](mailto:aranallo@mnasa.org)

# MASE Calendar

## 2014

Friday, October 10

Annual School Law Seminar, Minneapolis

Wednesday, October 22

MASE New Leaders Cohort, Cragun's

Wednesday, October 22

MASE Board of Directors Meeting, Cragun's

Wednesday - Friday, October 22-24

MASE Fall Leadership Conference, Cragun's

Wednesday, November 12

MASE New Leaders Cohort, Cragun's

Wednesday - Friday, November 12-14

CLM Fall Conference, Cragun's

Thursday - Saturday, November 13-15

CASE Annual Conference, San Antonio, TX

Thursday - Friday, November 27-28

Thanksgiving Holiday - MASE Offices Closed

Wednesday - Thursday, December 3-4

MASE New Leaders Cohort, St. Paul

Thursday, December 4

MASE Board of Directors Meeting, St. Paul

Friday, December 5

MDE Directors' Forum, St. Paul

Wednesday - Friday, December 24-26

Winter Holiday - MASE Offices Closed

## 2015

Thursday, January 1

Winter Holiday - MASE Offices Closed

Friday, March 6

MDE Director's Forum, St. Paul

Wednesday, March 11

MASE New Leaders Cohort, Brooklyn Park

Wednesday, March 11

MASE Board of Directors Meeting, Brooklyn Park

Thursday-Friday, March 12-13

MASA/MASE Spring Conference, Brooklyn Park

Friday, April 3

Spring Holiday - MASE Offices Closed

Wednesday - Saturday, April 8 - 11

CASE CEC, San Diego, CA

Wednesday, May 6

MASE New Leaders Cohort, Madden's

Wednesday - Friday, May 6-8

MASE Best Practices Conference, Madden's

Friday, May 15

MDE Director's Forum, St. Paul

Monday, May 25

Memorial Day Holiday - MASE Offices Closed

Thursday-Friday, June 18-19

MASE Board of Directors Retreat, Minneapolis

Friday, September 11

MDE Director's Forum, St. Paul

Friday, December 4

MDE Director's Forum, St. Paul

### **MASE Leadership Issues (Formerly "Rural Issues")**

**Tuesday, Sept. 23, 2014**

**10 am - 2 pm**

**Sauk Rapids Government Center**

MASE "Rural Issues" has a new name - MASE Leadership Issues! We changed our name to remind all of our members that they are welcome to these popular meetings. Join your colleagues from across the state for good company and great discussion about current topics in special education leadership.

Other dates for the 2014-15 school year will be communicated as soon as they are established. Hope to see you there! Questions? Call (651) 645-6272

### *Save the Date!*

***MASE Day at the Capitol***

***Thursday, March 5, 2015***

The day will begin with a light breakfast and legislative meeting at the Best Western Kelly Inn (near the Capitol).

The group will then head to the Capitol to meet with various legislators, and return to the Best Western Kelly Inn to conclude the day. If you are interested in staying overnight at the Best Western Kelly Inn on March 4 or 5, please request the MASE group rate (available until Feb. 1). All MASE members are welcome to attend.

Questions? Please contact John Klaber, (507)469-9096