



IMPACT

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Winter, 2012

Does it Matter?

by Jill Skarvold
**2012-13 MASE President and
Director of Learner Support Services
Moorhead Area Public Schools**

Recently a colleague asked me if I really thought we could change things that could make a difference in the outcomes for students. “Does it matter what we do” since she contended that things would continue to be “the same”. My response—“Yes, it does matter!”

It matters: to the students for whom we went into this field and want to provide opportunities to achieve high outcomes, to the teachers and staff for whom we work to find ways to reduce burdens of paperwork that don’t change student outcomes, to the districts and communities for whom we have a commitment to provide quality services while also working to ensure adequate funding to do so, and to students, parents, staff for whom we work to ensure they are all provided a safe and healthy learning environment.

How does MASE fit into that work? The MASE Board set a focus on building strong positive

relationships with other groups and organizations who also are working on behalf of students with disabilities. Currently, there are 13 different groups on which MASE members are part of the work which impacts special education. MASE Executive Director, Jan Ormasa, has explained each of the groups’



Jill Skarvold

work in another article in this newsletter. Because communication is so important, Jan has created a template to ensure that the work of the group is communicated on a regular basis. Updates will be available to members on the MASE Website so that members can be informed of the work and can also provide input to those on the committee/work group.

In addition, during this legislative session, the MASE Legislative Committee has created a NING network on which to keep members informed and to have members communicate on issues. This is an important vehicle for communication for MASE members. As Brad Lundell, MASE Legislative Consultant, stated in his Legislative Blog, “the more the input, the stronger the organization.”

Yet, those aren’t the only ways of communicating with MASE members. As an organization, we rely on communication amongst the members in many formats. MASE e-News will provide

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The Dust Has Settled

By Brad Lundell
MASE Lobbyist

The election season is over, the results have been tallied, and the dust is settling. In other words, for us lobbying types, it's time to get ready for the 2013 legislative session. Every election season is somewhat unpredictable and this one was no different. Like the rest of the nation, Minnesota had a number of close races from the presidential race on down with most of those close races tipped toward the Democratic side of the political ledger, putting the Democrats back in control of the Minnesota Legislature for the next two years.

Going into the election, the Republican caucuses held a 37-30 advantage in the Senate and the House a 72-61 (with one vacancy) majority. Both majorities were flipped, with the Democrats enjoying a net gain of 9 seats in the Senate to fashion a 39-28 majority and gaining twelve seats in the House to build a 73-61 majority. Explanations for the change vary widely, with everything from President Obama running stronger than expected to the significant legislative district boundary changes enacted as part of the reapportionment plan. Whatever the reason or reasons, this is the reality that the state will be dealing with for the next two years.

The new majorities have wasted no time in selecting their leadership and committee chairs. Senator Tom Bakk (DFL-Cook) will be the Senate Majority Leader. In the House, Representative Paul Thissen (DFL-Minneapolis) will be Speaker of the House and Representative Erin Murphy (DFL-St. Paul) will be the House Majority Leaders. The Senate and House Republicans have chosen Senator David Hann (R-Eden Prairie) and Representative Kurt Daudt (R-Crown) to lead their respective caucuses.

In the Senate, Senator Chuck Wiger (DFL-Maplewood) has been chosen to chair the E-12 Education Funding Division and Senator Patricia Torres Ray (DFL-Minneapolis) has been chosen

to chair the Senate Education Policy Committee. This marks a departure from how the Senate operated last biennium, as the Education Funding and Education Policy panels were combined under one Chair, which was held by retiring Senator Gen Olson (R-Minnetrista).

The House Education Funding Division will be chaired by Representative Paul Marquart (DFL-Dilworth) with the House Education Policy Committee being chaired by Representative Carlos Mariani (DFL-St. Paul). Representative Mariani chaired the House Education Policy Committee for four years (2007 through 2010 sessions) when the DFL last controlled the House. The House has also established an Early Childhood and Youth Development Committee that will be chaired by Representative Joe Mullery (DFL-Minneapolis). It will be interesting to see what the subject matter of this committee will be and if it will have much effect on the state's education system.

The membership of these committees will be determined over the next few weeks. Things have moved much faster than I expected in the determination of committee chairs. It is difficult to know when the final committee rosters will be announced, but my guess is membership will be determined no later than mid-December.

Regardless of which party found itself in control of the Legislature for the coming biennium, the job for special educators—and all of the education community for that matter—would have remained the same. The challenge of serving children with increasingly complex barriers to learning with a continued shortage of resources has only become more intense over the past decade and the special education community needs to tell its story to all legislators regardless of which party is in the majority. That will be no different this coming legislative session.

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MASE Executive Director

Jan Ormasa

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—651/645-6272 or email us at aranallo@mnasa.org.

Matter? ... Continued from Cover

frequent information to members and keep members current on issues impacting the field. In addition, the Legislative Committee members will provide other ways of getting input from members and providing information to members. The Board will be providing key messages as appropriate on platform topics. While the board has identified multiple means to get messages out, communication requires an exchange and flow of information and ideas from others as well.

Martin Luther King said, “Our lives begin to end the day we become silent about things that matter.” Don’t be silent. Use the various means provided by MASE to convey things that matter! It does matter.

MASE Calendar

2013

Wednesday, January 16

MASE New Leaders Cohort
MASE Offices, St. Paul

Wednesday, March 13

MASE New Leaders Cohort
Minneapolis Marriot NW, Brooklyn Park

Wednesday, March 13

MASE Board of Directors Meeting
Minneapolis Marriot NW, Brooklyn Park

Thursday - Friday, March 14 - 15

MASA/MASE Spring Conference
Minneapolis Marriot NW, Brooklyn Park

Wednesday, May 8

MASE New Leaders Cohort
Maddens, Brainerd

Wednesday - Friday, May 8 - 10

MASE Best Practices Conference
Maddens, Brainerd

MASE builds strong leaders
who work on behalf of
students with disabilities.

— Mission approved by the MASE
Board of Directors, June 2008

Dust ...

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I urge all MASE members to contact their legislators as soon as possible, especially if it is a newly-elected legislator. Most legislators are generalists and with special education being as complicated as it is, I wouldn't expect any legislators to automatically become an expert in special education funding and policy. Instead, aim to make legislators familiar with you as a special education professional who can be trusted to provide accurate information to questions that will arise during the legislative session. Good ways to do this is to invite your local legislators to observe your program or to make certain you are part of your district's board and administrative team when it meets with local legislators.

I stand ready to help MASE members in my role as your legislative liaison. I am currently blogging at the MASE Website and I hope MASE members find this helpful in trying to keep track of what is happening at the Capitol and the Minnesota Department of Education. I can also be reached at a new e-mail address I have created to stay in contact with my clients. That address is lundelllegislative@gmail.com. As always, I can be reached on my cell phone at 612-220-7459. I look forward to hearing from you as the session begins. With the Governor's Education Funding Working Group working on changes to the special education funding formula and a variety of other initiatives relating to special education likely to be discussed, the 2013 legislative session promises to be very exciting. Working together with legislators, I am confident that MASE's voice will be heard.

Visit the MASE Website!

The MASE Website is a resource for you! It has been updated with 2012-13 board and committee lists. You'll also find other member resources including the MASE calendar, publications, model contracts and more...

www.mnase.org

THANK *you*



The generosity and support of exhibitors and sponsors allow MASE to offer an excellent conference with low fees for our members.

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Save the Date!

**MASE/MASA
Spring Conference 2013
March 14- 15**

**Minneapolis Marriot Northwest
Brooklyn Park, MN**

Registration materials will be available on the MASE Website the end of December.

The MASE Community of Voices

by Jan Ormasa
MASE Executive Director

Where are all our voices as MASE representatives and as directors, assistant directors, coordinators and the like? I have been listening to the *Wailing Jennys'* as showcased on *Prairie Home Companion* with Garrison Keillor. One of their signature songs is entitled "One Voice". Just imagine listening as one person is singing joined by two voices, three voices and so forth. This is my image of MASE and our community of voices.

As we forge our vision of building and creating a strong presence and voice for MASE, it is our community voices of expertise and skills that we embrace and share with others in multiple ways and through different avenues. It is our civic leadership that demonstrates a democratic society in sharing our ideas, visions, hopes for how to create the future in the 21st century for our students with disabilities and their families. We want to engage in civil discourse of ideas. We want to embrace our different reflections and thoughts. Dr. Tony Wagner, in his book *Creating Innovators*, introduces the concept of Social Innovators as people with new ideas to address major problems who are relentless in pursuit of their visions.

Wagner also shares that in a *Harvard Business Review* article, Tim Brown describes five characteristics of what he calls "Design Thinkers". The first is empathy, which is the ability to imagine the world from multiple perspectives and having an attitude that puts people first. Integrative Thinking is to be able to see all aspects of a problem and possible breakthrough solutions. Optimism, according to Brown, is essential because design thinking begins with the assumption, that, no matter how challenging the problem, a solution can be found. But solutions can only be achieved through what Brown calls experimentalism, a process of trial and error that explores problems and possible solutions in new and creative ways. Finally, Brown writes that

design thinkers are, "above all, collaborators."

As our strategic focus is to forge strong positive relationships, we shall seek opportunities to build alliances and coalitions on behalf of students with disabilities. So let's keep building our voices one and all together. Here you can see how we are embracing unique opportunities to be in forums, task forces, interagency committees, and surveys. Below are the 13 committees in 2012-13 for which MASE has been requested to have MASE representatives. There are committees on which the Minnesota Department of Education personally requests directors to participate. The other voice is where the governor has appointed a director such as on the Board of School Administrators. Let us also give our deep appreciation to these MASE representatives and voices for their generosity of time, passion, and commitment to serve on these committees.



Jan Ormasa

Alliance for Student Achievement (Jan Ormasa)

The Alliance for Student Achievement is a professional organization consisting of ten member groups and five partner groups who come together four times each year for the purpose of speaking with one voice on Minnesota pre K-12 public education issues and policies. One of our over-arching goals is to develop trust, respect, and an understanding of the education issues that impact each of our organizations and their members.

Board of Teaching (Tricia Denzer)

This group provides stakeholder input from a variety of education organizations within the state of Minnesota regarding teacher licensure to the Board of Teaching.

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Care and Treatment Bill (*Dan Naidicz, Melissa Schaller, Dolly Lastine, Brad Lundell, Jan Ormasa*).

The purpose of this group is to consolidate and update care and treatment statuses.

Commissioner's Education Finance Working Group (*Marcy Doud, Deb Wall*)

The School Finance Work Group initially convened in March, 2011. The group met intensively through May, 2011 when recommendations for changing the way schools are funded were presented to the Legislature by Commissioner Cassellius. During the 2011 year, the group only addressed the issue of special education funding briefly and all agreed that it was a monumental task to simplify and make special education funding more predictable. The group was re-convened in June, 2012 to address issues that were left unsettled from the previous year, special education funding top among them. This group was established as part of Governor Dayton's Seven-Point Plan to establish better school funding. The goals of the reform proposals are:

- Improve adequacy, equity and stability of pre-K-12 education funding
- Simplify education funding
- Preserve local control
- Close the achievement gap
- Promote high achievement for all students
- Direct resources closest to the students, teachers and classrooms

Interagency Coordinating Council (*Karon Joyer*)

This committee may advise and assist state agencies regarding the provision of appropriate services for children from birth through age 5. This committee works to provide advice for the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families regardless of their eligibility for early intervention services.

Juvenile Justice Coalition (*Transitioning for Patty Popp to Carrie Smith*)

The Juvenile Justice Coalition of Minnesota (JJC) is a systems change and advocacy based organization that promotes state level juvenile justice reform in Minnesota.

The Juvenile Justice Coalition of Minnesota Steering Committee provides leadership and accountability for JJC's work and brings together multiple systems and jurisdictions to create an integrated and unified juvenile justice system in Minnesota. Membership includes state agencies, professional associations, key leaders and stakeholders representing Minnesota's juvenile justice system.

Consortium for Citizens with Disabilities, Children's Policy Subcommittee (*Melissa Schaller, Darren Kermes, Brad Lundell, Jan Ormasa*)

The purpose of the committee is to bring together the advocacy groups and their representatives as well as MASE to discuss common areas of concern and to problem solve solutions.

Minnesota State Interagency Committee (MnSIC) (*Renaë Ouillette*)

The MnSIC initiative brings seven state public agencies -- the Minnesota Departments of Education, Employment and Economic Development, Commerce, Corrections, Health, Human Rights, and Human Services -- together to make needed policy changes to reduce duplication of local efforts, improve local response to the needs of children and families, and develop and implement a coordinated, multidisciplinary service system for children ages three through 21 with disabilities.

Restrictive Procedures Work Group (*Jill Skarvold, Melissa Schaller*)

Purpose is to assist the Minnesota Department of Education related to this task:

The department must develop a statewide plan by February 1, 2013, to reduce districts' use of restrictive procedures that included:

- measurable goals
- the resources
- training
- technical assistance
- mental health services
- collaborative efforts

needed to significantly reduce districts' use of prone restraint; and recommendations to clearly improve the law governing districts' use of restrictive procedures.

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John Messelt Receives MASE Legacy Award



John Messelt was recently awarded the Legacy Award by the Minnesota Administrators for Special Education (MASE). Messelt was honored for his commitment to encouraging, developing and mentoring leaders who reflect the MASE

mission, at a statewide recognition ceremony held during 2012 MASE Fall Leadership Conference.

John is a strategic planning consultant with Bill Cook and Associates. He is the former Director of the Central Minnesota Educational Research and Design Cooperative, Superintendent of the

Kimball Schools, Executive Director of the Benton Stearns Education District, and Director of Special Education for the Dairyland Special Education Cooperative. John served as MASE President, and on the MASE and MASA Boards of Directors. John mentored many special education directors and other educational leaders.

The MASE Nominating Committee selects the Legacy Award recipient by reviewing the nomination materials. The recipient must be a current active MASE member who has contributed to the professional growth and development of others through a service history as a long-standing, contributing MASE member. The recipient must demonstrate a commitment to the field of special education through training; mentoring; personal support; modeling; an impact that is considerable and measurable over time; and contribution at the local, regional, and state levels.

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Response to Intervention Stakeholder Survey with Wilder Research (Kim Gibbons)

The purpose of the committee is to design a survey to disseminate to school buildings in MN to assess the level of RtI implementation across the state.

State Special Education Panel (SEAP) (Karen Kennedy)

The purpose of SEAP is to provide guidance with respect to special education and related services for children with disabilities in the state.

Special Education Personnel Stakeholders' Group (Ann Casey, Tammy Nielsen, Jamie Nord)

The purpose of this group is to review and analyze Minnesota special education personnel data and develop strategies for recruitment and retention of special education personnel.

Uniform Tuition Billing Committee (Marcy Doud, Mary Kreger, Patty Popp, Jacque Stein)

This group participates on the Division of School Finance Committee to "design uniform forms for regular education students in care and treatment". The Commissioner has charged the Division of School Finance to design a tuition billing form for students in care and treatment programs who do not have IEPs.

Please let me know if there are other MASE members whose voices are part of this community engagement. We seek to learn where we are all impacting the problem solving and creative designs. Thank you for your curiosity in asking good questions to understand more deeply. Thank you for your collaboration, which begins with listening and learning from others who have perspectives and expertise that are different from your own. These are essential qualities of innovators as indicated by Dr. Tony Wagner. Thank you to each and every one of your voices working locally in educational policy and reform for the vision of the 21st century for our students with disabilities and their families.

Welcome New MASE Members

Kelly Anderson, Special Education Coordinator,
Robbinsdale Area Schools

Michele Bedor, Early Childhood Programs
Supervisor/Coordinator, Eastern Carver County
Schools

Eric Carlson, Ed. S. Administrative Intern,
Intermediate School District 287

Kandi Danielson, Special Education Coordinator,
Spring Lake Park Schools

Julie Domino, ECSE Coordinator, Paul Bunyan
Education Cooperative

Candace Engelmann, Special Education
Coordinator, Osseo Area Schools

Brad Eustice, Special Education Services,
CmERDC

Judd Fredstrom, Ass't. Director of Special
Education, Area Special Education Cooperative

Brant Goetz, Student Support Services
Supervisor, Rochester Public Schools

Kathryn Hagen, Interim Ass't. Director of Special
Services, Edina Public Schools

Dustin Hinckley, Special Education Supervisor,
Bemidji Regional Interdistrict Council

Stephanie Hubbard, Director of Special
Programs, Bemidji Area Schools

Jennifer Ihrke, Student Support Services
Supervisor, Rochester Public Schools

Nicole Jack, Unique Learners Manager, St. Croix
River Education District

Joseph Jezierski, Director of Teaching &
Learning, Red Wing Public Schools

Amy Johncox, Special Education Manager, NE
Metro 916 Intermediate District

Kim Johnson, Program Coordinator,
Bloomington Public Schools

Heather Klever, Special Education Teacher,
Brainerd Public Schools

Lynn Krominga, Special Education Coordinator,
Faribault Public Schools

Debra Larson, Special Education Coordinator,
Northland Community Schools

Monica Lonergan, Director of Special Education,
Innovative Special Education Services

Mary McCabe, Special Education Coordinator,
Benton-Stearns Education District

Mark McCaghy, Director, West Metro Learning
Connections

Julie Menden, Special Education Coordinator,
Shakopee Public Schools

Brenda Natala, Director of Special Programs,
Laura Jeffrey Academy

Anneke Nelson, Special Education Coordinator,
SW/WC Service Cooperative

John Norlander, Special Education Coordinator,
Osseo Area Schools

Ginny Nyhus, Director, EBD Program,
Minneapolis Public Schools

Jennifer O'Neill-Mager, Secondary Special
Education Supervisor, Burnsville-Eagan-Savage
Independent School District

Lisa Otte, Special Education Specialist,
Resource Training & Solutions

Rebecca Patience, Special Education Services
Coordinator, Alexandria School District

Tanya Peterson, Administrative Intern, Sartell-St.
Stephen Schools

Mike Piersak, Special Education Supervisor,
Watertown-Mayer Public Schools

Lynda Shanks-Cavanaugh, Special Education
Coordinator, Paideia Academy

Jacqueline Smith, ECSE Supervisor, Burnsville-
Eagan-Savage Independent School District

Brenda Story, Director of Special Education,
Grand Rapids School District

Christine Tangen, Student, Brainerd Public
Schools

Brenda Tantow, Supervisor, Eastern Carver
County Schools

Angela VanHee, Special Education Coordinator,
Osseo Area Schools

Marti Voight, Ass't. Director of Special
Education, Robbinsdale Area Schools

MASE Leadership Position and Award Nominations Now Open!

Nominations are open until **January 14, 2013** for the MASE offices of:

2013 - 2014 President-Elect

The President-Elect serves one year, followed by one year as President and one year as Past President.

President Duties:

- Serve in the event of resignation or absence of the President
- Serve as Co-chair of the Strategic Planning and Federal Advocacy Committees
- Appoint a Chair/Co-chair-Elect to each Standing Committee
- Other responsibilities in regard to matters as delegated by the President or Board of Directors

President Duties:

- Preside at annual business meeting and at Board of Directors meetings
- Appoint ad hoc committee chairpersons
- Act for MASE between annual meetings, clearing, by mail, telephone, e-mail or other forms of electronic communication whenever necessary, important actions with officers
- Represent MASE at meetings of other groups

Past President Duties:

- Serve as Co-chair of the Legislative Committee
- Other responsibilities as necessary in regard to matters as delegated by the President or Board of Directors

MASE Treasurer 2013 - 2015

The Treasurer serves a two-year term.

Treasurer Duties:

- Shall oversee the receipt and disbursement, upon proper authorization, all funds of MASE
- Keep an accurate record of receipts and expenditures
- Present the financial report at each annual meeting
- Draw up a proposed budget for the forthcoming year and submit it at the annual business meeting
- Carry on financial and other responsibilities as necessary

Area Board Representatives:

- Area B
- Area G
- Area F-1
- Area G

Area Representative to the MASE Board serves a two-year term. This representative will replace the Area Representative that is completing their term on June 30, 2013.

MASE Awards

Nominating a colleague for a MASE award is a wonderful way to recognize outstanding members who are dedicated leaders and advocates for children and Minnesota education. We encourage you to consider nominating yourself or a colleague!

Nominations are open for the following awards:

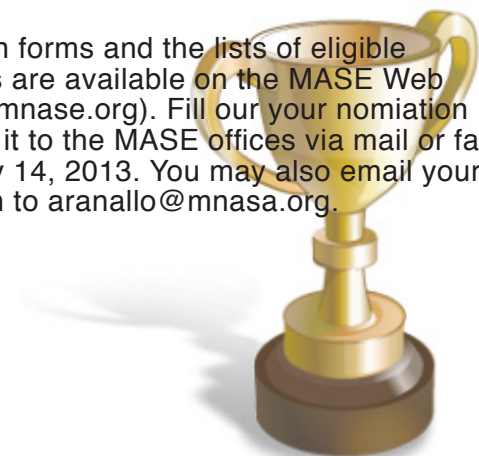
- 2013 MASE Distinguished Service Award
- 2013 Special Education Administrator of the Year Award
- 2013 MASE Legacy Award
- 2013 MASE New Special Education Leader Award

The Nomination Process:

MASE officers have the opportunity to influence education in Minnesota and serve their fellow colleagues.

We encourage you to nominate yourself or a colleague who you feel would be a strong leader for MASE. If you nominate a colleague, please contact your nominee and ask them whether or not they are interested in running for the position and so they know you have nominated them!

Nomination forms and the lists of eligible candidates are available on the MASE Web site (www.mnase.org). Fill out your nomination and return it to the MASE offices via mail or fax by January 14, 2013. You may also email your nomination to aranallo@mnasa.org.



Behavioral Coaching: Rethinking Our Behavioral Health Service Models

by Jeff L. Jorgensen
 Director of Special Services
 South Washington County Schools



Jeff Jorgensen

I began my professional career as a Licensed Marriage and Family Therapist. Proud of my abilities to rapidly establish positive relationships and intervene effectively on chronic mental health issues, I began to develop the belief that behavioral health was the sole domain

of a very few highly trained professionals. I soon recognized the need for “my expertise” within the public education system so I went back to school and secured my credentials as a School Psychologist. What I found was a system that was more than willing to support my ideas around a specialist model. Educators did not feel comfortable with addressing behavioral health issues so they became the domain of mental health professionals and practitioners. Business was good.

Business was too good. In 1999 the United States Department of Health published a report stating that a full 20 percent of school age youth suffered from a diagnosable mental health disorder. Scarier yet was the statistic that only 5 to 7 percent of that population was receiving services from a licensed mental health professional. Taking these statistics at face value, there were not enough licensed mental health professionals in the nation to treat just the school-aged population. The closest thing to treatment many of these students received in response to their behavioral health needs was the service provided by special education professionals.

Traditional service models to address behavioral health concerns have been largely ineffective. Behavioral health was initially addressed through

the “Related Services Model”. Bound to the prerequisites of special education identification and the recognition of the IEP team that the services were “...necessary for the student to benefit from the special education services they are being provided”, this model preserved the belief that behavioral health is served by specially trained ‘others’. Over the years we have tried many specialist-centric models, including: the “Site Based Clinic Model”, the “Integrated Service Model” and the “Care and Treatment Model”. In many cases districts have combined all four of these models in an effort to create a comprehensive continuum that they hoped would meet the needs of more students.

Specialist models such as those listed above have benefits, but the problems associated with such service models are numerous.

Benefits:

- Students are stabilized in a controlled environment.
- Students gain access to highly trained professionals.
- Students learn strategies to reduce personal stress, to problem solve and how to communicate successfully.
- Students build trusting relationships with Specialists.
- Students demonstrate observable positive changes in level of functioning.

Problems:

- Students form attachments to specialist.
- Students learn skills and strategies in isolation.
- Students will experience increased stress in less controlled environments during the transition process.
- Students often fail to transition successfully.
- Observable, positive changes in student’s

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level of functioning do not generalize to other settings.

- Costs are high.
- Availability is low.

Good work is being done. Students at various treatment levels are making progress, but all of these models share a common flaw; they all hinge on the belief that if we treat the student effectively, they should be able to successfully return to the very environment in which they had experienced chronic stress and failure. These models overlook the facts:

- These students have received treatment in a controlled environment tailored to their needs.
- Student success is due in large part to the behaviors manifested by those working with the student in those environments.
- Transition strategies that depend greatly upon the student's ability to adapt to uncontrolled environments without a consistent and familiar attachment partner do nothing more than set the student up for failure.

So what can be done?

Adjusting the service model to meet the needs of the students we serve will require a significant cognitive shift. When a student accesses a program model to serve their behavioral health needs, the first thing they experience is an environmental change, a different place, different people and different strategies. The most powerful tools for change are the strategies that are applied, not the place or the people. We need to act upon this knowledge and identify methods to prepare our classroom teachers with the strategies they will need to effectively meet the unique needs of the students within their classroom. I believe that there are a great number of students in deep end programming today that could have remained within the mainstream classroom, had teachers been responsive to their needs earlier in the behavioral health cycle. To accomplish this shift we will need to change our beliefs about the primary role and function of the special educator.

From	To
The specialists as the primary agent of change	The classroom teacher as the primary agent of change
Special educators as student support personnel	Special educators as teacher support personnel
Belief that the student is the one that will need to change his/her behavior before returning to class	Belief that the educational professionals servicing the student must change to first meet the needs of the student

While there are times in a student's educational career when they may require services outside of the mainstream classroom, the goal of any behavioral service should be to move the student from a more restrictive environment to a less restrictive one. We must agree that where we want students to end up is within the mainstream classroom, even if it requires considerably more effort from us than we are used to.

A small number of school districts in the State of Minnesota are in the process of implementing a model of service that embraces these redefinitions of the specialist's role and the regular educator's role, in the form of Teacher Child Interaction Training or TCIT. South Washington County Schools began this redefinition in the Spring of 2012 through the implementation of a behavioral coaching model developed through the adaptation of a parental coaching model known nationally as Parent Child Interaction Therapy or PCIT. The PCIT model, developed by Dr. Sheila Eyberg, from the University of Florida, recognized the role of the parent in treating childhood conditions such as Oppositional Defiant Disorder, Attention Deficit Hyperactivity Disorder and various other disregulatory disorders of childhood. Dr. Eyberg's approach first trained parents on an essential set of communication skills known to improve relationship, build self-esteem and establish cause and effect relationships. Immediately following the training, the parents were coached through the application of the skills with their own children. The coaching was done remotely and in real time to establish the parent as the authority in the room. The results were astounding,

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Communication with Parents: Boundaries and Strategies to Ensure Success and Minimize School Liability

by Nancy E. Blumstein,
Attorney and
Erin E. Benson,
Attorney; Ratwik, Roszak & Maloney, P.A.

Communication with students' parents is an integral part of every special educator's job. Effective communication between educators and parents can go a long way towards building trust and rapport between a school district's staff and its students' parents. At the same time, when educators fail to exercise caution in their communication with parents, educators – who may have the best of intentions - can destroy a previously positive relationship between a parent and the school and create significant liability concerns for a school district. For that reason, it is important to understand the boundaries between effective communication – communication that is beneficial to the school district's efforts of providing a disabled student a sound individualized education, and communication that may be detrimental to that effort. Moreover, in order to maintain its special educators' well being, appropriate data privacy, and the school district's ability to defend itself if and/or when a special education dispute occurs, it is imperative that school districts establish some parameters to its special educators' communications with parents.

It is important to remind educators to keep their communication with parents professional at all times. This includes both during and outside of the duty day. Teachers and other school staff members are representatives of the school district regardless of whether they are at school, at a coffee house, or at the grocery store. While this seems like common sense, it is a reality that is often forgotten. Communication outside of the school day still has the potential of findings its way back to school, whether it be in the course of a due process hearing or through another complaint mechanism. Educators must be mindful of this throughout their daily lives. Educators should also keep in mind the distinction between being friendly with parents of students they serve

and being friends with those parents. If not careful, the latter can result in problems for a school district. For instance, when educators become friends with their students' parents, they have a tendency to become too relaxed about due process requirements. Whereas they may normally write elaborate prior written notices for their students that meet all the legal requirements for these documents under federal and state statute, they may write a prior written notice for their "friend's" child that barely skims the surface of the required elements for this notice. Moreover, because they cannot imagine their "friend" ever distorting their words or questioning their depiction of events, staff members who forge close relationships with parents tend to overlook the importance of fully documenting communications with their "friend."



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What these staff members don't realize is that, when it comes to advocating for their children, even friendly parents will do what they need to do to obtain the special education services or placement that they believe is best for their child. The fact that a teacher was their friend and that a conversation was informal or even, perhaps, "off the record" will rarely, if ever, stop a parent from relying upon something that the staff member may have said during that conversation to gain an advantage in a disagreement regarding their child's special education placement. It's entirely understandable. A parent is not a bad person – he or she is a parent and the relationship between that parent and his or her child will

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necessarily take precedence over any and all relationships that the parent will have with a school employee – even one that is a “friend.”

Therefore, it is imperative that special education administrators help their staff understand this reality. Staff members need to recognize that, while they can be friendly with their students’ parents, they cannot be friends. When discussing the school district, the school or the education provided any particular student, staff need to understand that there is no such thing as speaking “off the record” with the parent of a student in the school. Staff must be cautioned not to ever divulge any information concerning one of their colleagues or any of the students with whom they work. Moreover, staff members should be directed that a relationship with a student’s parent is never really personal, because staff members are always going to be perceived to be representatives of the school district, regardless of the time, place or manner in which that conversation occurs. What that means is that all due process documents need to be completed appropriately for all students, regardless of a staff person’s relationship with a parent; all communications with a parent regarding a student must be thoroughly documented and must be conducted in a professional manner.

Educators should also be cautioned not to provide students’ parents their cellular or home telephone numbers and, whenever possible, should avoid communicating with parents outside of the school day. While this is not always possible, especially in a small community, where everyone is reachable, educators should be provided with sample statements they can use with parents to establish a boundary between their professional and personal lives. For example, if an educator is approached by one of their students’ parents in a grocery store, church or elsewhere in the community, the educator should greet them in a friendly and approachable manner. However, if and/or when the conversation turns to the school or the parents’ child’s education, the teacher can say “I’d be happy to speak to you at school or during the school day, via telephone, about Susie’s reading, but I’m not wearing my ‘teacher’s hat’ right now and I’m not able to have that conversation.” A more formal response to the same inquiry might be, “I’d be happy to speak to you at school or during the school day, via

telephone, about Susie’s reading, but I don’t have the information I need in front of me and I’m not prepared to have that discussion. How about I call you Monday and we can discuss your concerns then?” There are hundreds of alternative ways to communicate the same message – “not now . . . let’s talk at school.” The key is for the educator to communicate a willingness and interest in speaking to the parent about the student at the same that he or she is drawing a boundary between his or her private and professional life. That said, once the educator arrives back at school, it is imperative that he or she follow up on the out of school parent contact in a timely manner, either by telephone or e-mail. A failure to follow up on such a parent contact could result in an allegation that the educator refused to speak to a parent about a student concern.

There will, of course, always be situations where it will be impossible for an educator to delay a conversation with one of their student’s parents. In those situations, educators must recognize that each and every communication they have with a parent is important and potentially relevant to the school district. To that end, educators must be directed to document their out of school communications just as they would document communications with parents that take place during the school day. The fact that something was communicated outside of the school day does not change the nature of the communication.

Further, educators must always be reminded of the limitations that the Minnesota Government Data Practices Act (“MGDPA”) places on their communications with parents, both in and outside of school. A school hallway, grocery store or local restaurant is not an appropriate place to be talking about private educational data or private personnel data, even if a parent initiates the conversation. Even if no names are used, it is still a violation of the MGDPA if a third person is able to identify the student or employee who is the subject of the conversation. Further, the federal regulations implementing the Family Educational Rights and Privacy Act (“FERPA”) define “personally identifiable information” to include “other information that, alone or in combination, is linked or linkable to a specific student that

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especially when the parents were subsequently trained and coached in effective command language and how to follow-up consistently with non-compliance. The model has since been adapted to equip teachers within regular education and special education classrooms to develop self-regulatory behavior in all children.

Behavioral coaching is an essential element in TCIT. The skills training content is familiar to teachers focusing on the use of labeled praise, behavioral descriptions and reflections. Teachers additionally receive instruction on decreasing the number of questions, criticisms and commands necessary to operate a typical classroom. The familiarity with the skills tends to initially provoke a response from teachers that goes something like, "I already do this." When the trainers present them with their own language samples taken prior to training, however, it is quite evident that while they may be familiar with the skills, they do not use them at the frequency level necessary to establish observable behavioral change. The coaching provided by the trainers makes the difference in these situations, as perhaps for the very first time, teachers have a partner within the classroom to encourage them in real time to use the skills learned in a traditional staff development model. Coaching is completed immediately following each of the four skills trainings sessions which last approximately 3 hours per session. All adults accessing the classroom are trained and coached in the model including regular educators, special educators, paraprofessionals and related service staff to ensure consistency in program application.

Coaches are selected from special educators and related service providers that have a strong background in behavior theory such as social workers, school psychologist and EBD licensed staff. These coaches are trained in various coaching methods, including the principles of differential social attention. The principles predict that teachers will perform behaviors that gain the greatest support and approval from the coach. Knowing that behaviors that receive attention will likely be repeated, coaches are trained to respond differentially to correct and incorrect teaching behaviors. In layman's terms, coaches give much more attention to correct behaviors

and tend to refrain from comment when observing incorrect behaviors.

The coaching process goes through 3 stages of development.

1. The coach works on transforming the current practices of the teacher.
2. Teacher may feel emotionally drained and challenged because change does not occur "overnight." The coach must sustain the teacher's efforts.
3. The coach helps the teacher become the kind of teacher he/she wants to be.

Coaching is initially uncomfortable for most, but as trust and relationship develop the process becomes less invasive to the teacher. The coaching takes place through the use of FM communication units so that it can occur in real time and allow the teacher immediate feedback and guidance as necessary. Most importantly, the teacher is the one directly interacting with the student, so all student responses are attributable directly to the teacher, not the specialist. This approach allows students the opportunity to build positive relationships with the mainstream teacher, making it much more likely that the student will remain in the current setting rather than being referred out to other programming.

Behavioral coaching models allow specialists the opportunity to equip teachers to work effectively with complex students. In working with student behavior in real time, the coach can assist the teacher in working through the bumps typical to any change in practice. The changes in teacher language and behavior have a powerful effect on student behavior. The coach and teacher work collaboratively to create conditions under which the student is better able to regulate their own behaviors. Modifications in teacher language and behavior can effectively change the environment for the student without having to change their location.

The results speak for themselves in regards to the TCIT program. As teachers increase the

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would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.” 34 C.F.R. § 99.3. The identity of the student will be evident to those overhearing a conversation between a student’s parent and teacher held in a hallway, a coffee shop or some other community location. These conversations are a recipe for MGDPA and FERPA violation.

Not only is it important to carefully train special education staff with regard to maintaining appropriate communication boundaries with parents, the same rules are equally applicable to the general educators of your special education students. General educators need to be aware that what they tell the parents of special education students can have an impact on the school district’s ability to defend itself at a due process hearing. Educators must document all parent contacts. They must be trained to immediately communicate any and all parent concerns regarding a student’s education or special education programming to the student’s case manager. Finally, it is important that general educators recognize the impact that their words can carry. An off hand statement made by an educator to parents that cuts against the school district’s position or criticizes a student’s special education program will be hard for a school district to overcome when defending itself from a Minnesota Department of Education Complaint or a due process hearing. Such remarks, even spoken with the best of intentions, can be misconstrued, taken out of context, and can create unnecessary liability for a school district. Thus, in some situations, especially when dealing with an angry or litigious parent, it may be appropriate to appoint one spokesperson through which all parent communications regarding a student’s education are channeled.

When faced with educators who object to the school district setting limits on their communications with parents, it is appropriate for school district to remember that not all speech is constitutionally protected. The U.S. Supreme Court has held that, “when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from

discipline. *Garcetti v. Ceballos*, 547 U.S. 410 (2006). Thus, speech that is made pursuant to an educator’s official duties is not constitutionally protected. When communicating with parents about their children’s education, educators are speaking pursuant to their official duties, and are doing so on behalf of the school district. School district administration, therefore, has the right to direct communication such as this, where the school district is ultimately liable for the content of the communication.

Moreover, not only is it important to caution and train educators regarding their communication with parents, educators should also be reminded that they are the eyes and ears of the school district whether at school or elsewhere in the community. For example, suppose that a teacher is at a friend’s wedding where a parent also happens to be in attendance. Further suppose that the teacher hears the parent talking to another wedding guest about getting her child tutoring because the parent is not satisfied with the special education services provided by the school district. Although this conversation clearly took place outside the school day, that may not stop the parent from later using this information to show that the school district had notice that the parent was not satisfied with the education the student was receiving at the school and to request that the school district reimburse the family for the costs of tutoring. Educators should be trained to document communications like this one and to pass along the information to the appropriate school officials just as they would if they had heard this same conversation take place during the school day.

In summary, educators who follow reasonable boundaries regarding their communication with students’ parents will go a long way toward minimizing school district liability. Communication should remain professional, be well-documented, and comply with the MGDPA and FERPA. A big mistake educators make is when they treat communication that occurs outside of their duty day differently from communication during the school day. An educator is always on the clock when it comes to documenting communication with parents. Lastly, to the extent that outside communication can be avoided, it should be.

MASE and MDE Collaborate on the New TSES Manual

by Melissa Schaller
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As many of you are aware, I was asked to participate in a press conference with Governor Mark Dayton on October 11th. The topic of the press conference was a reduction in special education paperwork, specifically to introduce the new TSES manual. This was a great opportunity

for the special education field and MASE to be included in a positive, collaborative effort with the Minnesota Department of Education. The press conference was a whirlwind event. I met the Commissioner of Education and the Governor a few minutes before the press conference began. During the course of the press conference I had the opportunity to say a few words and also answer questions from the press.

While this was a great opportunity, the press release published by Governor's office contained some misinformation. On behalf of MASE and the Executive Committee, Jan Ormasa, the MASE Executive Director, sent an email to Commissioner of Education, Brenda Casselius, regarding the misinformation on the reduction of paperwork in the press release. The Commissioner contacted Jan personally to discuss the email and the concerns expressed. The Commissioner stated that she and the Governor have pledged to reduce paperwork for special educators. In addition, she indicated that this "skinny TSES" is just the beginning of the process for reduction. Commissioner Casselius acknowledged that she understands the TSES is only a reduction for administrators. Furthermore, she indicated that she is committed to developing an online system which would also reduce paperwork for special educators.

In spite of communication issues in this process, it was an important step for the field and MASE. We continue to build relationships with various stakeholders including the Minnesota Department of Education and we are building our reputation as a strong leadership voice for special education in Minnesota.

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frequency with which they use the skills, student self-directed behavior improves significantly and student behavioral problems decrease proportionally. Teacher self-efficacy also improves dramatically as they experience success and own the new competencies rather than attribute the success to the specialists that coached them through the process.

While the TCIT model centers on developing self-regulatory behavior in children through a change in teacher language and interaction patterns, behavioral coaching may have far broader implications. Coaches, once trained, can use the skills they have learned to assist classroom teachers in developing mastery in a number of areas we have often served through special education in separate venues. Imagine how coaching might be used to assist teachers in dynamically meeting the differentiation needs of students struggling with processing disorders. Imagine how we might use coaching to assist teachers in mastering techniques for working effectively with students on the spectrum. Imagine elevating our special education providers to true specialists that work to equip teachers rather than students. Imagine a day when meaningful inclusion of all students becomes a reality. Imagine.