

IMPACT

1884 Como Avenue ~ St. Paul, MN 55108 ~ Phone: 651-645-6272 ~ Fax: 651-645-7518 ~ Email: members@mnasa.org

Winter, 2013

The Importance of Shared Vision Around Instruction

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

We have all heard the saying "It takes a village to raise a child." And, as special educators, we all embrace the notion that all students are all teachers' responsibility. But how often are these words actually translated into action? Collaboration is not always easy and it requires that everyone share a similar mission and expected outcome. As I reflect on what my vision for the year is as your MASE President, I want to work toward a culture of establishing shared leadership around instruction. I want to work toward translating the words "all students are all teachers' responsibility: "into ACTION. Taking action requires engaging key stakeholders like MASA, Curriculum Leaders, and the principal associations. We need to work together to answer important questions like:

- How do we provide <u>time and support</u> to teacher to ensure all students are achieving to high standards?
- How do we ensure that effective first instruction is provided to all students by the regular education classroom teacher?

- How do we provide low performing students with focused instruction?
- How do we provide support to teachers to identify the type of support each student needs?
- How do we work together to decrease the achievement gap



Kim Gibbons

between students with disabilities and their typical peers?

It is no secret that we are in an era where the stakes are high - for students, teachers, and administrators. The achievement gap between students with disabilities and typical peers continues to widen. The gap isn't because we don't identify enough students, allocate enough resources, employ enough teachers and paraprofessionals, or work hard enough. We need to be more effective. Everyone wants to know what works, and it becomes tempting to jump on the bandwagon of the "latest and greatest" educational initiatives. It is often reported that the one of the most critical problems our schools face is not resistance to innovation and improvement, rather, it is the fragmentation, overload, and incoherence resulting from the uncoordinated acceptance of too many different innovations. At the end of the day, what really impacts student achievement the most is the instruction our students are receiving. In his book

> Shared Vision... Continued on Page 3

2014: The Year of the "Unsession"

by Brad Lundell MASE Lobbyist

It's difficult to believe, but even with an additional one month of legislative interim, the 2014 Legislative Session is right around the corner. The 2014 Legislative Session will begin on February 25, and will likely run until at least early May. Under the Minnesota constitution, the Legislature cannot meet past Monday, May 19, 2014.

Governor Dayton has voiced his support for an "Unsession." I have been working around the Legislature for nearly 40 years and I am having a bit of trouble trying to decipher what he means with that term, but it's my guess that given 2014 is an election year and so much was done during the 2013 Legislative Session, which set the budget and tackled a number of issues that were both comprehensive and controversial, the Governor and the Legislature would like the dust to settle a bit before embarking on the budget for the next biennium.

That doesn't mean that issues relating to education policy in general and special education policy in particular won't be discussed next session. A task force—the Special Education Caseloads Task Force—has been meeting since mid-September and will be preparing a report for the Legislature to consider in 2014. This task force was authorized in the 2013 omnibus education funding bill with its charge being to "develop recommendations for the appropriate numbers of students with disabilities that may be assigned to a teacher both with and without paraprofessional support in the classroom and for cost-effective and efficient strategies and structures for improving student outcomes. The task force must also identify state rules that should be revised to align with state statute."

Discussions to this point have looked at the change in Minnesota's special education population, both in terms of overall size and the relative size of various disability categories, and recent changes in Minnesota's special education funding formula. Attention has also been given to the adult/pupil ratios within special education classrooms. Given the rather specific charge given to the task force, it will be interesting to see how expansive the recommendations will be and whether or not another



Brad Lundell

review of Minnesota's framework of statutes and rules can be streamlined without reducing services to special education students.

MASE is well represented on the task force by Vice Chair Todd Travis, Director of the Midwest Special Education Cooperative, and Mary Kreger, Director of Special Education Services at Rosemount-Apple Valley-Eagan. They both have been very effective in pointing out the challenges facing the special education community.

If you have questions or concerns about the Legislative Session or need information about what is ahead, don't hesitate to contact me. I can best be contacted at brad.lundell@schoolsforequity.org or (612) 220-7459. With the 2014 Legislative Session not getting underway until late February, there is plenty of time for you to contact your legislators. Nothing works better in lobbying than personal contact and bringing legislators into your program to observe the challenges you face daily can be very effective in getting your point across. I urge all of you to work with your districts to make certain special education is on the agenda when legislators make their rounds to your district.

IMPACT Winter, 2013

IMPACT is a publication of the Minnesota Administrators for Special Education,
© copyright, MASE. No endorsement of products or services is intended.

Send materials to be considered for publication to:

Mia Urick

Director of Professional Development 1884 Como Avenue • St. Paul, Minnesota 55108 (651) 645-7231 • FAX (651) 645-7518 urickm@mnasa.org

2013 - 2014 Board of Directors

President

Kim Gibbons

Director of Special Education, St. Croix River Education District

President Elect

Cheryl Johnson

Executive Director, Goodhue County Education District

Past President

Jill Skarvold

Director of Learner Support Services, Moorhead Area Schools

Secretary

Julie Ladwig

Director of Special Education, Waseca Schools

Treasurer

Lori Fildes

Director of Special Services, Wayzata Schools

Area A

Julie Aumock (2012-14)

Assistant Special Education Director, Area Special Education Cooperative

Area B

Nathan Lutzka (2013-15)

Special Programs Director, Hibbing Public Schools

Area (

Todd Travis (2011-14)

Director of Special Education, Midwest Special Education Coop

Area D

Douglas Millaway (2013-15)

Executive Director, West Central Education District

Area E

Diane McCarron (2012 - 14)

Director of Special Education, SW/WC Service Coop

Area F-1

Erin Toninato (2013-15)

Director of Special Education, River Bend Education District

Area F-2

Carol Anhalt (2013-15)

Executive Director, Zumbro Education District

Area G

Mary Kreger (2013-15)

Director of Special Education, Rosemount-Apple Valley-Eagan Public Schools

Area H

Mary Clarkson (2012-14)

Director of Special Education, Carver-Scott Educational Cooperative

MASA Component Group Representatives

Darren Kermes (2011-14)

Executive Director, MN River Valley/Carver Scott Education Coop

Nan Records (2009-15)

Director of Special Education, Sherburne-North Wright Special Education Coop

Retired Representative

Gary Woodward (2013-15)

National CASE Liaison

Scott Hare (2012-14)

Director of Special Services, Shakopee Public Schools

MNCEC Liaison

Marcy Doud (2013-15)

Director of Special Programs, West. St. Paul-Mendota Heights-Eagan Area Schools

Executive Director

John Klaber

Shared Vision ... Continued from Cover

Visible Learning, John Hattie said it best - "The major message is simple—what teachers do matters... the greatest source of variance in our system relates to teachers." (Hattie, 2009)

So, what ACTION has been taken to move towards a shared vision of instruction? To start, both the MASA and MASE boards have been engaging in a shared dialogue around the topic of instruction. I attended the MASA board meeting in October to follow up on the conversation started by Dr. Robert Pasternack last June. Gary Amoroso spoke at the MASE Annual meeting a few weeks ago and reiterated the need for collaboration and teamwork around instruction. In November, a historical event was held where all new superintendents, special education directors, and curriculum leaders participated in a new leader's training session. Guess what the theme was for the day? You guessed it - Instruction! In the next month, John Klaber and I will be continuing the dialogue with both the elementary and secondary principal associations. Our hope is to bring all key stakeholder organizations together for a day of facilitated dialogue with the goal of identifying ACTION steps. The biggest risk we take in this venture is to be exactly where we are right now!

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



What I've Learned During the Past Six Months

by John Klaber MASE Executive Director

By the time that you read this missive, I will have spent 6 months as your Executive Director. In that period of time I have learned a few things. I have also formulated a few opinions. I'll share some of those here.

First and foremost is the role of the Executive Director. In some organizations, this position comes with an expectation that the Executive Director will lead the organization with a capital "L." Typically, this is a full time position. This individual will propose, formulate and advocate for the organization's position on various topics and provide direction to the organization. In my view, this type of director is less of a servant leader and more of a CEO of the organization. This also does not describe me. It is important for our members to understand that the model espoused by our Board of Directors, and that I embrace, is that of an Executive Director who represents and advocates for the positions taken by our Board of Directors and, indirectly, by you, the members. I appreciate the opportunity to have a voice in thoughtful conversations and determinations regarding our organization's positions on various topics, but I do not drive those decisions. I am, however, one of your most direct contacts to the organization and will carry your thoughts and concerns forward. My personal goal is that at the end of every week, I can say that I did something to support our members, both individually and as an organization.

Second, I had no idea how much work the Executive Committee does on behalf of the members. Following monthly conference calls, these members take on one or more tasks. Yes, tasks are assigned to me, but the committee members take on other tasks. Being "past president" is far more than a title...it means ongoing work. I cannot imagine how MASE functioned without an Executive Director to share some of the tasks.

Third, our decision, as evident in our legislative platform, to advocate for positive educational outcomes in order to redirect the focus of MDE, is the right approach. We have tried, with little or no success, over multiple years to bring about a reduction in the paperwork and due process burden either by



John Klaber

addressing the associated financial burden or by emphasizing where Minnesota exceeds the federal mandates. As long as advocacy groups can effectively make the case that compliance with due process paperwork is the only sure way to ensure that students with disabilities get what they are entitled to we will have little or no success moving away from that emphasis. So, yes I/we will not give up advocating for common-sense reductions in the paperwork burden, but I see this focus as being way too easy for advocacy groups to block. Please consider that we tried to influence both a Democrat as well as a Republican-controlled state legislature and achieved little or nothing. The answer for reduced time spent on due process is in increasing the percent of students who can have their educational needs met in the regular education classroom. We must also be vigilant and oppose any additional burdensome activities that do not directly result in improved student achievement.

Fourth, we must reach out to those folks who on any given day can be lifesavers and on other days the bane of our existence...principals. If you've been a director for any period of time you have experienced that: "OMG what was he/she thinking?" moment. You will also have experienced that situation where the principal is the brilliant change agent in their building.

Six Months ...
Continued on Page 5

agenda

CASE Annual Board Meeting Notes



Scott Hare

Written by Scott Hare, CASE Liaison and Director of Special Services, Shakopee Public Schools

This year's annual CASE Board Meeting took place in Indianapolis this past September. I have attended several of these meetings over the past years. This meeting was

one in which directors representing their state CASE units have an opportunity to take an active role in setting the direction for the board regarding the reauthorization of ESEA and IDEA.

CASE is developing a brochure containing recommendations around several key areas. These areas include: improving student achievement, systems of data collection to ensure accountability and student performance, improving administrator and teacher

effectiveness, college and career ready students, charter

schools, and funding and resources for effective implementation of ESEA. All of these topics were discussed in more detail during our first MASE Federal Legislative Committee meeting in November.

The most important area of discussion revolved around sequestration. Directors from various states spoke out on the significant impact it is having on their school districts in providing services for students with special needs. The Students Success Act (H.R 5) recently passed the House last July has sequestration going for several more years. The key message from CASE was to communicate with our representatives and make them aware of the significant impact these cuts have had as well as create a sense of urgency to solve the budget issues at the federal level.

Six Months... Continued from Page 4

The person who understands what special education is all about and truly embraces the "all students can and will learn at high levels" philosophy. This principal is one that listens and responds effectively to parent concerns and understands what is and is not a special education issue. This principal is also willing and able to supervise and evaluate the special education staff members in their building. We continue to cultivate our growing positive relationship with the principals and superintendents. By the time you are reading this, the executive directors from the principal organizations (MESPA, MASSP) will have met with myself and our president, Kim Gibbons, to determine where we can best work together.

Fifth and final is that when I attend a committee meeting, a MDE taskforce, or a conference I have a name badge that reads MASE Executive Director and I wear it with great pride. I have also been identified as a VIP at two statewide conferences. I cannot tell you how one's self esteem grows with such a designation. Not only did I get a VIP name badge, I also received a "swag" bag. In contrast, I have also experienced how quickly that possibly over-inflated sense of self worth is deflated when there is no change in how one's significant other addresses you. There is still the expectation that I put the dirty clothes in the laundry basket, walk the dog with poop bag in hand, and cook the evening meals. Thank goodness the grand daughters treat me like a VIP (or maybe it is just because they got the swaq baq).

I'm always available to you...jpklaber@gmail.com or (507) 469-9096

leadership

The Change-Savvy Innovator-in-Chief



Doug Eadie tool: the Change Investment Portfolio Process; and how to

In his new book, Leading Out-of-the-Box Change: Essential Guide to Achieving Nonprofit Innovation and Growth, Doug Eadie deals with three main topics: The leadership role of your chief executive officer as innovatorin-chief; the key elements of a powerful new change planning tool: the Change Investment Portfolio transform association

governing bodies into strong advocates for-- and committed owners of-- out-of-the-box change initiatives.

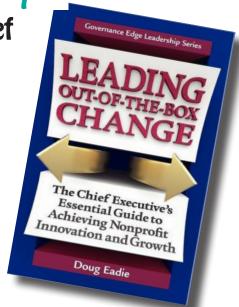
The following article is excerpted from Doug's book.

CEOs who succeed in the Innovator-in-Chief role are what I think of as change-savvy. The change-savvy CEOs that I've worked with and observed:

 Åre technically very knowledgeable about best practices in the rapidly changing area of change planning and management, which means she isn't wedded to conventional planning wisdom and out-of-date approaches. You'll never hear a change-savvy CEO extolling the virtues of traditional longrange (or strategic) planning as a change tool, much less catch her fondling a ten-pound five year plan.

• Realize that successfully bringing off out-ofthe-box change against all odds requires that she make leading the change planning and implementation process a top-tier priority. In practice, this means that the change-savvy CEO makes a firm commitment of time to leading change from the top and never tries to delegate one piece of another of this leadership role to lieutenants.

 Recognize that leading out-of-the-box change as Innovator-in-Chief of the organization is more psychological and political in nature than technical. Not only does the change-savvy CEO understand that fear is more often than not at the heart of staff resistance to change, she also takes strong, visible steps to allay that fear through the clear articulation of vision and other motivational steps that are intended



to inspire and energize participants in the change process. The change-savvy CEO also pays close attention to the transformation of key stakeholders into ardent change champions.

 And command the respect of staff members and key stakeholders, primarily by playing a very aggressive and visible change-leadership role and practicing what she's preaching in the change arena. A change-savvy CEO knows that her leadership credibility depends on walking that talk, never contradiction in practice what she's saying publicly.

In addition to the characteristics I've just described, the CEOs I've observed who have been most successful at accomplishing out-ofthe-bx change have possessed three powerful character traits: courage; deep emotional selfawareness; and fundamental self-confidence. Being courageous and steadfast in leading change planning and management is a critical CEO trait. It never fails: the farther change planning moves outside the box in your organization, the more fear, anxiety, tension, and often anger you're likely to see. As you've probably already observed, fear (which feel quite weak) is often quickly transformed in indignation (which feel far stronger), and who's a more convenient culprit and target of anger than the highly visible Innovator-in-Chief who's leading the change charge? The CEOs I've seen do a great job of leading out-of-the-box change are loaded with calcium. That doesn't mean they're insensitive Genghis Khans bludgeoning staff into

Innovator ...
Continued on Page 7

Innovator ... Continued from Page 6

change -- quite the contrary. But it does mean they don't cave under pressure. They expect the resistance and frequent anger; and they withstand it.

The absence of deep emotional self-awareness can seriously limit the impact of a CEO in leading out-of-the-box change. I've seen CEOs who couldn't capitalize on the talents and commitment of strong women on their executive teams because they found such strengths threatening. I've observed CEOs who were unsuccessful in building critical partnerships and joint ventures with other organizations because they saw the world as a dark and dangerous place filled with competitors waiting to do them in. And, I've come across CEOs who need for security and control made them intolerant of the give-and-take or wide-open discussion and led them to impose on their organizations mechanistic long-range planning processes that substituted neatness and order for creative questioning and exploration. In these and other cases, what has struck me over the years is how hidden, unrecognized emotions can sabotage CEOs, causing them to see the world through an internal lens that distorts objective reality, and, hence, leads to inappropriate behavior.

I know that this might sound like psychobabble to some readers, but long experience has convinced me that the most effective change leaders are emotionally so self-knowledgeable that they aren't easily sabotaged by deep-seated emotions they aren't aware of. A few years ago, I worked with such a CEO, who headed a large and highly successful senior services nonprofit. We were chatting one evening after getting through the first day of an intensive 1 1/2-day work session kicking off the organization's change planning process, when she confided that at one point in what'd been a great day she'd felt like lashing out at two of her board members. She she that when they'd raised some pretty pointed questions about her decision to pursue a merger with a sister agency a couple of months earlier, she out of the blue felt like a little girl again, being harshly judged by her parents, and the sudden surge of anger caught her off guard. Fortunately, she didn't last out, knowing that the anger --while a real emotion that she'd truly felt -- was totally misplaced, having to do with a vulnerable little girl inside, not with the strong CEO she'd become. That's what I mean by self-awareness.

The fundamentally self-confident CEOs I've worked with and observed have embodied a character trait that I think of as true humility. They are so secure, psychologically speaking, that they are able to celebrate -- and capitalize on

-- the strengths of the people around them, both board and staff members. They're blessed with robust, healthy egos that aren't easily wounded and don't require constant protection. They are able to keep things in perspective, seldom seeing a personal challenge, slight or even insult as a cause to celebre. Rather, they are able to take the long view, resisting the impulse to last out now in the interest of achieving an important objective down the pike. They're keenly aware that the person who's treated them with apparent disrespect today might very well turn out to be a valuable ally some day if they bide their time.

Virginia Jacko, my colleague and coauthor of our book, The Blind Visionary, is a great example of a fundamentally self-confident CEO who's wasted absolutely zero time defending a fragile ego. President & CEO of the Miami Lighthouse for the Blind and Visually Impaired, Virginia, who is blind, recounts a story in our book that vividly demonstrates the value of a healthy ego. Not long after her appointment as the first blind CEO of the Miami Lighthouse, Virginia learned that a prominent Lighthouse volunteer had commented to a current Lighthouse board member, referring to her appointment, "Can you believe that inmates are now running the asylum?" Were Virginia's feelings hurt? Of course. Did she lash out in anger? Of course not. She didn't take any action, and when she eventually sat down in a meeting with her detractor, she made clear her decision her desire to work together, letting bygones be bygones. The upshot? The person who'd make the derogatory comment became a close ally, even nominating Virginia for a major community award. That's the kind of emotional maturing that makes Virginia a highly successful out-of-the-box leader.

Key Work of the Innovator-in-Chief

Leading the out-of-the-box change charge as your organization's Innovator-in-Chief, the CEO plays three key roles that are critical to accomplishing significant change in your organization:

• As Chief Process Designer, the vision-driven CEO makes sure that the structures and processes that are required to plan and implement out-of-the-box change are well designed, both technically (for example, the planning steps that board members, staff, and external stakeholders go through actually result in technically sound change initiatives that can be implemented) and from a psychological/political perspective (for example, participation in the planning process turns keys stakeholders into owners of out-of-the-box change initiatives and consequently change champions for those initiatives).

Legal Development on Whether Parents' Termination of IDEA Services Precludes the Provision of Services Under Section 504

by Nancy E. Blumstein, Attorney and Nathan B. Sherperd, Attorney Ratwik, Roszak & Maloney, P.A.

In 2010, in an article discussing the "Legal Issues Associated with Parental Termination of Special Education Services," we noted that U.S. Department of Education's Office for Civil Rights had issued guidance on whether a school district must offer services under Section 504 following a parent's revocation of their consent for an IEP under IDEA. See Letter to McKethan, 25 IDELR 295 (OCR 1996). Since that article appeared, however, there have been several cases defining whether a student must receive Section 504 services following a revocation of consent for IDEA services. While none of these cases are binding precedent in Minnesota regarding the handling of these situations, a close reading of the cases provides some guidance.

The Letter to McKethan was an advisory letter issued by the OCR in response to a question about whether, once the school district has found a student disabled and developed an IEP under IDEA, the parent could revoke consent for the IEP and require the district to develop an IEP under Section 504. The OCR advised that an IEP "under IDEA is one means of meeting the appropriate education requirement under Section 504." For students who qualified under both Section 504 and IDEA, "the implementation of an IEP developed under the IDEA is how the Section 504 requirements found in Section 104.33 are met." As a result, a parent who rejects services under IDEA "would essentially be rejecting what would be offered under Section 504. The parent could not compel the district to develop an IEP under Section 504 as that effectively happened when the school followed the IDEA requirements."

One recent case has followed that logic. See Lamkin v. Lone Jack C-6 Sch. Dist., 2012 WL 8969061, 58 IDELR 197 (W.D. Mo. Mar. 1, 2012).

In that case, a student had a seizure and brain hemorrhage when she was two days old, causing hemiparesis of her right side. As a result, the student had a number of impairments that substantially limited her abilities, including walking, seeing, and learning, and she used a wheelchair. The student had been in a private preschool, but her parents contacted the public school district, indicating that the student needed to transition to an ageappropriate educational program. The school district held an IEP meeting, at which it informed the parents that that it believed the student



Nancy Blumstein



Nathan Shepherd

should be placed in a state school for the severely handicapped. The parents objected to the school's proposal.

About a week after the meeting, the mother emailed the superintendent of the school district, informing him that she withdrew her consent for the student to receive IDEA services. She requested, however, that the district provide her daughter accommodations under Section 504. The superintendent responded to the parent's request indicating that the district would not provide the student Section 504 accommodations because of the parent's rejection of IDEA services. Thereafter, the mother enrolled the student in the school district as a regular education student, and again requested Section 504 services. The superintendent again denied the request.

Parents' Termination ... Continued on Page 9

Parents' Termination ... Continued from Page 9

The parents subsequently filed a district court action against the school district. Their allegations included claims that that the district violated Section 504 and the ADA and "subjected [the student] to discrimination on the basis of her disabilities." In its decision rejecting these claims, the district court ruled that "a parent may not bypass the IDEA's administrative procedures by voluntarily revoking consent under the IDEA and then recasting their grievances under § 504 and the ADA." Because the parents had not exhausted any remedies under the IDEA, the court ruled that the parents' Section 504 and ADA claims must be dismissed.

However, the court further observed that the parents' claims would fail for another independent reason. Relying on the Letter to McKethan, the court stated that the parents' "revocation of services under IDEA was tantamount to revocation under § 504 and the ADA." Therefore, the court said, notwithstanding the parents' failure to exhaust administrative remedies, the parents' claims under Section 504 and the ADA would fail on these grounds as well.

Another recent federal district court case explicitly disagrees with the Lamkin ruling and lends doubt to the guidance provided by the OCR in McKethan. See Kimble v. Douglas Cnty. Sch. Dist. RE-1, 925 F. Supp. 2d 1176 (D. Colo. Feb. 25, 2013). Kimble involved a student who received special education and related services under IDEA. At the end of the 2009-2010 school year, in response to a proposed placement with which they did not agree, the student's parents "formally revoked their consent to the continued provision of special education and related services for" the student. The parents confirmed this decision with certified letters to the principals of the elementary and middle schools.

In response, the school district sent the parents a letter clarifying that, by operation of the revocation of consent, the student "had become a general education student who may receive those accommodations available to non-disabled children." The letter further provided that, as the student's Section 504 plan was, in essence, her IEP, the parents' revocation of consent for the IDEA services also revoked consent for services

that the school district would have offered the student under Section 504.

The parents requested a Section 504 meeting, which the School District convened about a month later. At this meeting, the parents and school officials agreed that the student was a qualified disabled student pursuant to Section 504. As a result of the meeting, the school officials offered the student a Section 504 plan that "contained the same special education and related services that" the parents rejected as part of the student's proposed IEP. The parents rejected this proposal, as well. Throughout the following year, the parents continued to request Section 504 accommodations and school officials continued to respond that the school district had no further obligation to the student under Section 504 since the parents rejected the Section 504 team's recommended services and accommodations.

The parents subsequently filed a lawsuit against the school district, asserting that it discriminated against the student by refusing to provide Section 504 and ADA accommodations. In defending this action, the school district argued that the IEP it offered the student under IDEA met its obligations under Section 504 and the ADA. As the Parents had rejected the proposed IEP and revoked consent for IDEA services, the district reasoned, they had also rejected a placement for the student under Section 504.

In response, the district court first noted that "no binding authority exists[ed] to which the [c]ourt" could defer and, then, considered the Letter to McKethan and Lamkin. The court found these two authorities "unhelpful," because the rulings either did not consider the larger statutory and regulatory context, or had no direct applicability to this case. In specific, the court stated that it was "not persuaded that a parent's rejection of an IEP, developed under the IDEA, automatically rejects any plan that could be developed under the less-restrictive Section 504 requirements." As a result, even after the parents revoked consent under IDEA, the court ruled, the student could still seek services under Section 504.

Parents' Termination ... Continued on Page 10

Parents' Termination ... Continued from Page 9

However, the Court also ruled, that once a district engages in a 504 process and offers the parents a proposed 504 plan, even a formerly rejected IEP, the School District's obligation is met under Section 504. Ultimately, the district court noted that, because "neither Section 504 nor the ADA permit a parent to request particular accommodations without regard to whether those accommodations constitute a FAPE," the School District therefore only needs to propose any plan, including a refused IEP.

To the extent that school districts have relied on McKethan as absolute guidance, these recent cases have added a new dimension of concern. In view of the recent cases analyzing McKethan. we believe school districts would be well advised to offer a Section 504 process to the parents of a student who terminated the student's services under IDEA. Through that process, school districts are still able to offer whatever services they believe are appropriate for the student, including services that were previously rejected under IDEA. Should the parents of the student reject the proposed Section 504 services, the district would be safe to then treat the student as a regular education student without concerns that it violated the student's rights under Section

Save the Date!

MASE Best Practices May 7-9, 2014 Madden's Resort, Brainerd

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

 Mission approved by the MASE Board of Directors, June 2008

THANK you



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

Fall Conference Sponsors

Ratwik, Roszak, & Maloney, PA

Compass Learning

Custom Education Solutions

Headway Emotional Health Services

Infinitec

Monarch Teaching Technologies (VizZle)

PrairieCare

PresenceLearning

Scholastic

SpEd Forms

Strategic Staffing Solutions

TinyEYE

Transition Assessments and Curriculum

Voyager and Sopris Learning

West Metro Learning Connections, Inc.

Zaner-Bloser



Welcome New Members!

Wendy Ahern, Special Education Coordinator, Goodhue County Education District

Nancy Anderson, Ass't. Director of Special Education, Brainerd Public Schools

Susan Bartling, Program Supervisor, N. St. Paul-Maplewood-Oakdale School District

Greg Beeck, Special Education Coordinator, Mankato Area Public Schools

Amy Berge, Ass't. Director of Special Education, Innovative Special Education Services

Robin Bloom, Special Education Coordinator, Eastern Carver County Schools

Amy Buchal, Special Education Coordinator, Kenyon-Wanamingo School District

Missy Carlson, EC Coordinator, Goodhue County Education District

Monica Carson, Special Education Coordinator, Rum River Special Education Cooperative

Carolyn Cherry, Director of Special Education, Spring Lake Park Schools

Erin Copeland, Supervisor, Eastern Carver County Schools

Rochelle Cox, Administrator of ECSE. Minneapolis Public Schools

MarianDelFavero, Coordinator, Goodhue County Education District

Erin Dohrmann, Special Education Administrative Coordinator, Rum River Special Education Cooperative

Kevin Douglas, Academic Supervisor, LifeSpan

Xiaoging (Sally) Du, Special Education Teacher, Lakes International Language Academy

Amy Elverum, Special Education Teacher, Minneapolis Public Schools

Jennifer Fielder, School Psychologist, Designs for Learning, Inc

John Fry, Ass't. Director of Student Support Services, Stillwater Area Public Schools

Chris Hansen, Special Education Coordinator, SW Metro Educational Cooperative

Melissa Hanson, Special Education Coordinator, SW/WC Service Cooperative

Jessica Hawley, School Psychologist, Prior Lake-Savage Area Schools

Kris Hillesheim, Special Education Teacher, Inver Grove Heights Community Schools

Jeffrey Horton, Student, South Washington County Schools

Mary Kling, Special Education Coordinator, Elk River Area School District

Sarah Kloeckl, Special Education Coordinator, Burnsville-Eagan-Savage Independent School District

Carol Knicker, Director of Special Education, Innovative Special Education Services

Melanie Kray, Director of Special Education, Central Public Schools

Katie Kuisle, Student Support Services Supervisor, Rochester Public Schools

Matt Langsdale, Student Support Services Supervisor, Rochester Public Schools

Deanna Lawrence, Special Services Coordinator, St. Louis Park Public Schools

Elizabeth Lee, Ass't. Director of Special Education, Paul Bunyan Education Cooperative

Tina McKenzie Fredrickson, Special Education Supervisor, Northland Special Education Cooperative

Amber Messner, Special Services Supervisor, South Washington County Schools

New Members ... Continued on Page 13

Nominate Today! MASE Leadership Positions and Award Nominations Now Open...

Nominations are open until **January 13**, **2014** for the MASE offices of:

2014 - 2015 President-Elect

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

President-Elect 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 Secretary 2014 - 2016

The Secretary serves a two-year term.

Secretary Duties:

- Keep accurate minutes of MASE meetings and meetings of the officers.
- Carry on correspondence and other responsibilities as necessary in regard to matters as delegated by the President or Board of Directors

Area Board Representatives:

- Area A
- Area C
- Area E
- Area F2
- Area H

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, 2014.

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:

- 2014 MASE Distinguished Service Award
- 2014 Special Education Administrator of the Year Award
- 2014 MASE Legacy Award
- 2014 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 our your nomiation and return it to the MASE offices via mail or fax by January 13, 2014. You may also email your nomination to aranallo@mnasa.org.

New Members ... Continued from Page 11

Merri Miller, Special Education Coordinator, SW Metro Educational Cooperative

Michele Mogen, Program Manager, Moorhead Area Public Schools

Sharon Noble, Special Education Coordinator, Goodhue County Education District

Sherry Pape, Middle School 5-8 ASD/EBD Teacher, Pequot Lakes Schools

Jillynne Raymond, Ass't. Director, Goodhue County Education District

Gretchen Ricci, Teacher, Eastern Carver County Schools

Martha Simpson-Corn, Student Services Supervisor, Roseville Area Schools

Melissa Stenke, ECSE Coordinator, Rochester Public Schools

Lori Thomas, Elementary Behavior Specialist, Edina Public Schools

Lauren Trainer, Special Education Coordinator, Rosemount-Apple Valley-Eagan Public Schools

Casey Veiseth, Special Education Coordinator, Goodhue Public School

Megan Weerts, Student, MN State University, Mankato

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

Kari Woyda, Special Education Coordinator, New Prague Area Schools

Brandon Yoney, Program Manager, Moorhead Area Public Schools

Carolyn Zieske, Special Education Coordinator, Spring Lake Park Schools

MASE Calendar

2014

Friday, March 7 MDE Directors' Forum, St. Paul

Wednesday, March 12
MASE New Leaders Cohort, Brooklyn Park

Wednesday, March 12 MASE Board of Directors Meeting, Brooklyn Park

<u>Thursday - Friday, March 13 - 14</u> MASE/MASA Spring Conference, Brooklyn Park

Wednesday, May 7
MASE New Leaders Cohort, Madden's

Wednesday - Friday, May 7 - 9 MASE Best Practices Conference, Madden's

Friday, May 16 MDE Directors' Forum, St. Paul

<u>June 19 - 20</u> MASE Board of Directors Retreat, Madden's

Save the Date!



MASA/MASE Spring Conference 2014 March 13 - 14

Minneapolis Marriott Northwest Brooklyn Park, MN

Registration materials will be available soon.