

Winter, 2014

Now is the Time

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

The Goodhue County Education District (GCED) recently received a Mental Health First Aid grant which will support the training of school personnel and other adults to detect and respond to mental illness in children and youth in school settings and the wider community. The title of this grant is, Now is the Time Project Aware Grant.

In the meantime, GCED has been building a new facility. Did you know that there is a national cement shortage? Or that when the ground freezes you need to truck in engineered soil? Who knew? This work has given us the opportunity rethink our system, pardon the pun, from the ground up.

Lastly, as I am still on a limited work schedule, I have had the opportunity to learn new habits – SmartPen, Notability, Pinterest, Facebook, and YouTube. One of these new habits is beginning each morning in bed at 6:30 am with my ten year old son, Colin. We begin our day by watching

Good Mythical Morning together.

So what do these three things have in common? It doesn't take building a facility for each of us to transform our leadership approach. Now is the time to determine what your non-negotiables are as a person, at home, on the job, for your school system, and for your state. I challenge each of you to take time today to write down your non-negotiables - at work and at home - and look at them daily for the next 30 days.

Your non-negotiables are a reflection of your values. Focusing on your non-negotiables helps you align your actions with your values, identify your thoughts and feelings in the moment. Converting your values into habits increases your ability to successfully achieve professional and personal goals. Do this today because now is the time.



Cherie Johnson

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Association Update

by John Klaber
MASE Executive Director

It's blustery and there's snow on the ground...yikes! Had the weather been nicer, I may have started this article with something other than the disappointing response from our membership to our request regarding the rule-making proposal from MDE. As you recall, we participated in the work of the caseload taskforce, which culminated in proposed rules. In order for there to be a formal public hearing on those rules, there needed to be 100 requests made to MDE. Our goal was to be able to publicly present a number of suggestions and recommendations. While it is uncertain what the actual number was, we did not meet the 100 request threshold. The good news is that we proposed relatively minor changes to the rules which may have contributed to the small response. In MDE's response to the failed request, there was a small ray of sunshine in that they implied that they would be considering the suggestions and recommendations submitted by those who did respond to the hearing request. One of the more noticeable rule changes is the requirement that districts adopt a formal policy regarding caseload decision-making practices. Assuming that the rules will be formally adopted and they will include this requirement, we have reached out to the Minnesota School Boards Association (MSBA) to collaborate on the writing of a recommended policy. Keep in mind that the caseload taskforce did not recommend specific or formal caseload limits other than those already in rule. This policy requirement merely formalizes the school district's practices regarding the creation of teacher/staff caseloads. In some instances, districts already have such practices formalized, although typically not at a board policy level.

I want to formally congratulate Marykay Litau as the new director of the Division of Assistance and Compliance. We are looking forward to a continuation of the improved relationship between the division and our members. A particularly positive note is that I this fall I continued to hear from members that they are seeking out and receiving helpful guidance from the division.

Our organization continues to make meaningful steps towards strengthening our relationship with other professional organizations. One such effort, and following on the heels of Bob Pasternak's dramatic taking down the wall separating the MASE and MASA Boards more than a year ago, is the group Silos to Systems: A Collaborative Effort of MASA/ MASE/MESPA/MASSP. MASE Past President Kim Gibbons, with assistance from Mia Urick, will be

facilitating the work of that group. The group's mission is to guide discussions and improve communication and collaboration among key organizations around research-based instructional practices and frameworks through:

- Regular dialogue.
- Study of research - based practice.
- Understanding of

each

organization's focus.

- The development of common professional ideas and opportunities.

- Informing the organizations of possibilities to include in legislative initiatives.



John Klaber

development

We look forward to a productive relationship that will enhance the services and supports provided to the public school students of Minnesota.

Another initiative is that MASE, formally a non-voting partner of the Alliance for Student Achievement, has attained full-member status. The Alliance for Student Achievement groups Minnesota's education organizations with the purpose of improving student achievement throughout the state. Their goal is to speak with one voice on pre K-12 education policies and issues.

Member Organizations include:

- Education Minnesota
- Association of Metropolitan School District (AMSD)
- Minnesota School Board Association (MSBA)
- Minnesota Association of Secondary School Principals (MASSP)
- Schools for Equity in Education (SEE)
- Minnesota Association of School Business Officials (MASBO)
- Minnesota Elementary School Principals Association (MESPA)
- Minnesota Rural Education Association (MREA)
- Minnesota Association of School Administrators (MASA)
- Minnesota Parent, Teacher, and Student Association (MNPTA)
- Minnesota Administrators for Special Education (MASE)

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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

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John Klaber

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We have finalized our platform for the next legislative session. We are also actively seeking to address the challenges that potential special education director candidates are facing, should they not be able to demonstrate classroom teaching experience. This requirement has contributed to individuals choosing not to seek the special education director licensure or being required to compete additional expensive and cumbersome "classroom teaching" experiences.

Speaking of the legislature, in my meetings with regional MASE groups this fall, I have been able to share information provided by Kim Gibbons regarding the how-to of testifying to the legislature. I am hopeful that this primer will allay concerns and encourage individuals to volunteer to speak on behalf of MASE during the upcoming legislative session. As previously announced, we have set the date for our Day at the Capitol. Please plan to attend on Thursday, March 5, 2015. A block of rooms has been reserved at the Kelly Inn to allow for ease of parking, our meeting space and general convenience.

Our ultimate goal at the legislature is for our legislators, some day soon, to ask..."What does MASE think about this bill?"

Through the efforts of Nan Records we continue to provide members with additional guidance and training regarding the new financial system being put into place by MDE. Trainings sponsored by MASE have been scheduled for Rochester, North Mankato, Redwood Falls and Bemidji. Others may be scheduled for the metro area and the northeast region.

We will monitor and continue to attempt to influence the Department's efforts toward the creation of a unified electronic due process paperwork system. As I write this article, no formal RFP has been submitted by the department.

Finally, the legislature called for the creation of a taskforce to address MTSS. We are well represented on the group and will provide updates as they become available.

I will once again plan on attending each of the region's meetings. I've been to both metro meetings, Redwood Falls, and attended Nan Record's presentations in Rochester and North Mankato. I will also be in beautiful Floodwood, Minnesota on the 21st of November.

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

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

Election Results Create Big Change in Minnesota Legislature

by Brad Lundell
MASE Lobbyist

The 2014 election brought one big change to Minnesota's political landscape, as the Republican Party took control of the Minnesota House of Representatives and will have a 72-62 edge in membership during the coming biennium. With the change in control, new chairs have been appointed to lead each of the committees. The new chair, or perhaps I should say returning chair, of the Education Innovation Policy Committee, is Representative Sondra Erickson (R-Princeton). Representative Erickson is a former educator and long-time legislator. She has served nine terms and has been a member of various education committees throughout her service as a legislator. Representative Jennifer Loon (R-Eden Prairie) will serve as the Chair of the Education Finance Committee. Representative Loon is beginning her fourth term and has served on education-related committees during her time as a legislator.

As I write, the membership of individual committees has not been determined. It is always interesting to see the composition of committees. One stated objective of the new Republican majority is to make certain the interests of rural Minnesota are represented on key committees and both of the education-related committees, especially Education Finance.

The Minnesota Senate was not up for election in 2014, but there has been a fairly major change in the committee structure in the Senate. The Senate has combined the Education Finance and Education Policy Committees into one unit that will be chaired by Senator Chuck Wiger (DFL-Maplewood). There will likely be some minor adjustments in membership of the committee and those changes have yet to be posted.

The Dayton Administration and the Legislature got some good news in early December as the budget forecast shows a projected balance of approximately \$1 billion for the coming biennium. While this looks like a huge number, it does not account for inflation in several budget categories—most notably education—and that clearly puts a damper on thoughts of huge spending increases during the 2015 legislative session. Still, the fact that the state has a projected surplus, not the deficits that have plagued the state over the past several biennia, is great news and should put the Governor and Legislature

in the position to provide some additional funding for education.

One area of obvious interest to the special education community is the special education funding formula. In 2013, there were some significant changes made to the special education formula that could lead to a new formula being phased in over the next few years. Because of the formula changes, there are distributional changes in the amount of money districts receive. While these amounts are not that large on a per pupil basis, any loss of revenue would not be welcome in districts. Additional revenue could be used to smooth out revenue changes that may happen if the new approach is expanded.



Brad Lundell

MASE will be working diligently to keep the membership informed of what is happening during the 2015 legislative session. I will be supplying a weekly update that will be distributed to membership by MASE staff. Those reports will begin when the Legislature convenes. I will also provide periodic announcements of important events that have transpired. As usual, I can always be reached at (612) 220-7459 or at lundelllegislative@gmail.com.

Save the Date!

MASE Day at the Capitol Thursday, March 5, 2015

The day will begin with a light breakfast and legislative meeting at the Best Western Kelly Inn (near the Capitol). The group will then head to the Capitol to meet with various legislators, and return to the Best Western Kelly Inn to conclude the day. If you are interested in staying overnight at the Best Western Kelly Inn on March 4 or 5, please request the MASE group rate (available until Feb. 1). All MASE members are welcome to attend. Questions? Please contact John Klaber, (507)469-9096

The Lens of Potential - A new way to view student labels

by Mary Clarkson
Director of Special Programs
Richfield Public Schools

Recently I had the opportunity to spend some time at an elementary school where I met Juan, who was talking to his previous teachers, recalling his experience going to school for the first time. Juan happened to also be a young man of color, with no exposure to a school prior to kindergarten and high levels of separation anxiety. As a kindergartner, his anxiety manifested as significant behavior issues. He often became violent, ran from the classroom, and spent hours hiding and crying. Now, as a 9th grader, Juan is in honors classes, plays football, and has a steady and strong college bound path. When Juan was speaking to his teachers, he talked about their constant dedication to his success. He shared that his teachers, despite knowing he was experiencing challenges, persisted in providing inclusive, mainstream supports for him. His teachers frequently consulted with one another, worked with the special education team to identify strategies, and had high expectations for him. He constantly experienced his teachers being committed to his academic and interpersonal success, even given his challenges. The teachers viewed Juan as his individual self, not through the lens of color, disability, or socioeconomic status. They viewed Juan as a child with unlimited potential and a shared responsibility to maximize his success. Juan's teachers never gave up on him...never stated that he couldn't or won't....resulting in Juan developing a sense of worth and confidence.

I am sure this is not an isolated experience and we all have success stories similar to Juan's. As I have heard similar stories over and over again, I looked for patterns and themes to replicate successful experiences for all students. This is the story we want all students to tell and teachers to hear.

While there is no one "right" way to achieve this lofty goal, there are intentional actions districts and schools can take to begin changing the way we view educating all students. The first step is changing the language we use and the lens through which we view our students.

Think of the language used when we speak of children who have been identified by a label, "My school has 80% free and reduced so...", "We have a large number of ELL students which impacts...", "Those EBD kids are...", etc. These labels placed on students by schools: special education, ELL, free and

reduced, students of color – are inherently viewed from a deficit lens and portray students as out of the norm. Additionally, given the increasingly diverse student populations in schools, we can no longer categorize students into specific educational silos. While such labels provide important information regarding student characteristics, the unintended consequences of labels perpetuate the deficit mind set of educators, our system, and how families and students view themselves.



Mary Clarkson

By merely changing the way we speak about children, we change the filters and lens through which we find solutions and discover strength. Instead of seeing challenges, we see opportunities for growth, innovation and potential in learners. Creating educational programs first through the lens of the characteristics of our students identified by our labels – learning environments would naturally be designed to provide rich and robust learning for ALL students.

At the district level, curriculum exploration and instructional materials must include a collaborative process focused on the rich diverse stories of our students. This lens is crucial to ensure students can make connections to their learning.

At a school level, principals can ensure collaboration is an integrated and expected practice across content areas and expertise to foster a school culture that is inclusive and values the rich diversity of all learners. These practices include PLCs that bring the voices of ELL and special education to the table; rich co-planning and co-teaching practices, and the use of Universal Design for Learning (UDL) structures.

Much of what is recommended are not new practices or concepts. It is, however, a shared commitment to innovation and breaking down silos with intentional and rigorous cross-disciplinary collaborations. This is a fundamental practice in order for districts and schools to succeed in educating all learners to maximize their full potential.

On the Path to Improving Graduation Rates

Imagine a sea of students moving through the halls of a middle school going to class, socializing, accessing their lockers to get notebooks and supplies. Can you picture in your mind a group of twenty-five that enter a classroom? What's challenging is that someone might get suspended today, several are struggling with English as a second language, two were absent in the last week with health issues, four students have Individualized Education Programs (IEP's), several students came to school without breakfast, some still are engrossed in social media, and others still are in transition from their last class. Of this group, several will have a tough journey to graduate from high school. What can make a difference to support students so they experience school success and graduate?

Districts and states continue to be in the spotlight to improve results for all students, including students with disabilities. Student success is front and center in conversations across the spectrum of those who care about improving results for students: families, educators, community members and other state agencies that link to education at the local and state level.

The US Department of Education Office of Special Education Programs (OSEP) is helping by implementing a new, improved system of accountability called - Results-Driven Accountability (RDA). With RDA, OSEP has shifted their primary efforts from a focus on Compliance to a more balanced approach, including a focus on improved results for students with disabilities.

At the state level, it means that the Minnesota Department of Education (MDE) will be required to develop a State Systemic Improvement Plan (SSIP). The SSIP is an achievable, multi-year plan to improve student results. At the start of this planning, MDE pulled data to be analyzed from various sources linked to disability, ethnic groups and other factors to study graduation and dropout rates. An in depth analysis of data confirmed that graduation is a challenge for many and we also see how the graduation focus connects to other state initiatives focusing on graduation rates, such as the World's Best Work Force legislation.

This data analysis process revealed that, across the state, students with disabilities, and especially students who are Black or American Indian and have disabilities, are not doing as well as their peers. For example, students with disabilities demonstrated lower rates of proficiency on statewide assessments

of academic achievement than students without disabilities. In addition, Black and American Indian students with disabilities demonstrated proficiency at lower rates than students from other ethnic groups. The data also showed that students with disabilities graduated at a slower rate than non-special education students in each race/ethnicity category. Specifically, American Indian and Black students receiving special education services had the lowest graduation rates, even over time.

MDE is creating a SSIP to improve graduation rates for students with disabilities across the state, especially among Black and American Indian students with disabilities. This plan will include supports available to all school districts and intensive supports targeted at specific school districts, buildings, and programs. The goal of the SSIP is to build capacity at MDE and the local level to implement effective strategies to support student success and move students toward graduation. As part of the planning, we are communicating our graduation focus and seeking input from stakeholders.

We know the path to graduation and success beyond high school is all our work. The earliest early childhood experiences for all children, including children with disabilities, provide the foundations for successful preschool outcomes and early elementary achievement. These successes contribute to intermediate, middle, high school, and transition-age accomplishments. No matter how or at which age level you interact with children, you have the opportunity to contribute to positive student outcomes and support graduation as an expectation. We welcome your ideas about how to improve positive outcomes for students with disabilities, especially Black and American Indian students with disabilities.

For more information or if you would like to comment, contact Carolyn Cherry at Carolyn.Cherry@mde.state.us or Barbara Troolin at Barbara.Troolin@state.mn.us.

Save the Date!
MASE Best Practices
May 6-8, 2015
Madden's Resort, Brainerd

Are We Losing Our Way?

by Gary Lewis, Retired
Northfield Public Schools

I was an elementary counselor when the Education of All Handicapped Children Act (PL 94-142) was passed in 1975. At the time, we weren't sure how to proceed, but understood it was all about opening the school doors to children with disabilities who had previously been denied an education.

The focus then was on ensuring all students with disabilities were identified and provided special education services. Evaluation Reports looked more like the summary section of today's ERs, two-page IEPs were hand-written on carbonless copy paper; state-level meetings focused on sharing information about innovative programs and improving services; MDE staff routinely visited districts to help them improve services and answer questions; and the primary role of monitoring focused on helping districts to become compliant.

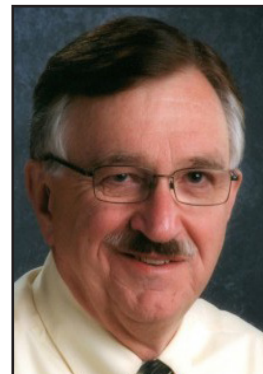
There is no doubt that special education services today are far superior to those provided in the late 70s and early 80s. We no longer misidentify autism as a cognitive impairment or behavioral disability; we partner with mental health providers to address the needs of students whose mental illness impedes their learning; assistive technology allows students who are unable to write to take notes and complete homework; and early childhood services empower parents to be the earliest and best teachers of their children. Yet despite this progress, we've lost something – the clear focus that what we do is all about children. Our efforts are increasingly focused upon due process paperwork. We are so preoccupied with doing things right that we're losing sight of doing the right things. To paraphrase a retired colleague – We're becoming expert at doing irrelevant things.¹

Much like the frog that sits contentedly in the kettle as water is slowly heated to a boil, we have been so busy doing our jobs that we didn't recognize the change that was occurring to our profession. But if we stop for a moment and retrace our steps, we can identify some of the critical events that caused us to lose our way.

Retracing Our Steps

Monitoring and Compliance (as it was called then) was initially part of the Special Education Division and their efforts were aligned with the best practices and procedures promoted by disability specialists. When Special Education Policy (Policy) and Compliance and Assistance (C&A) were separated, communication between the two units began to deteriorate. As the

communication gulf widened, districts were occasionally cited for noncompliance when they followed the guidance of Policy unit staff. As the number of citations grew, districts placed increased emphasis on paperwork and directors increasingly contacted C&A to ask how to do things correctly rather than Policy to ask about doing things better. We were becoming more concerned about doing things right than about doing the right things.



Gary Lewis

The Fed's move to 100% compliance further increased the focus on paperwork. Given the number of data elements and timelines that exist from referral through evaluation, developing an IEP and placement into special education, random human error is bound to occur. Even errors that are de minimus (i.e., of minimal importance, trivial) must be corrected. Fortunately, districts have a two-month window in which to submit corrections and clear the slate of all citations. Those that do make corrections within the timeline receive an award and are applauded by their colleagues. Unfortunately, there is no similar recognition for districts that develop innovative and effective programming for children and youth with disabilities.

The focus on paperwork has been further reinforced by the ever-increasing compliance standards imposed upon districts. For example, the Prior Written Notice form provides the prompt "Description of the action(s) proposed or refused by the district:" to which schools must respond.

- A few years ago, the response: "The District proposes an annual IEP" was deemed compliant.
- Then it became necessary to write something like: "The District proposes an annual IEP as was discussed with you at the IEP Team meeting held on September 15, 2014."
- Today, responding to the same prompt, special educators are being asked to write something like: "The district is proposing to provide continued direct instruction in reading to address Johnny's Specific Learning Disability. He will continue to receive services in the resource room as well as accommodations and modifications in

Losing Our Way...
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New Federal Guidance Issues on Providing Students with Hearing, Vision and Speech Disabilities Auxiliary Aids and Services Under Title II and IDEA

by Nancy E. Blumstein and
Ashley R. Geisendorfer
Attorneys
Ratwik, Roszak & Maloney, P.A.

In November 2014, the Office of Civil Rights and the Office of Special Education and Rehabilitative Services issued joint guidance on public schools' obligations to students with hearing, vision, or speech disabilities under both the IDEA and Title II of the Americans with Disabilities Act of 1990 ("ADA" or "Title II"). Notably, this guidance made it clear that compliance with the IDEA may not constitute compliance with Title II when it comes to special education students with hearing, vision, or speech disabilities.

The reason for this is simple: the IDEA and Title II have different compliance standards. Under the IDEA, public schools must provide eligible students with a free, appropriate public education ("FAPE"). This means that school districts must provide each eligible student with an IEP, based on his or her unique needs, that is reasonably calculated to provide the student meaningful educational benefit. Title II, on the other hand, has a specific effective communication requirement for individuals with disabilities. Under Title II, public schools must provide appropriate auxiliary aids and services so that students with disabilities have an equal opportunity to participate in, and enjoy the benefits of, the services, programs, and activities of the public schools. The OCR has interpreted this to mean that public schools must ensure that communication with students with hearing, vision, or speech disability is as effective as communication with students without disabilities.

Title II, therefore, places a higher burden on schools than the IDEA does when it comes to effective communication. Under the IDEA, the services provided need only be calculated to provide meaningful educational benefit. Under Title II, however, the school must ensure that the student's communication with the school is at the same level as his non-disabled peers. In some instances, in order to comply with Title II, a school may have to provide a student with services that would not be required under the IDEA. (Note: The standards applicable to Section 504 and Title II are very similar. Therefore, the guidance states that, if a school complies

with the Title II discussed in the memo, the OCR would, generally, not find a Section 504 violation related to effective communication.)

The joint guidance provides educators one useful example of how the different legal standards under the IDEA and Title II may operate to arrive at different conclusions about whether and what kind of services a student requires under these laws. The agencies present the story of "Tommy," a student with significant hearing loss who wears a cochlear implant. Tommy is an eligible student under the IDEA. Under his IEP, the school provides Tommy with an FM trainer, consisting of a microphone held by his teacher and a receiver transmitting to Tommy's implant. With this assistive technology, Tommy maintains above-average grades, completes grade level work, and interacts appropriately with his peers. More recently, however, Tommy complains that he cannot hear other classmates during class discussion and, therefore, does not always understand his teacher's responses to his classmates. In addition, Tommy says, the FM system transmits static and background noises, interfering with his ability to focus. As a result, Tommy's parents request that he receive communication access real-time translation (CART) services, which would provide him an immediate transcription of spoken words to verbatim text on a computer screen. Based on his grades and teachers' reports on his in-class interaction with peers, Tommy's IEP Team determine that he does not need CART services to receive a FAPE under the IDEA. However, because Tommy cannot fully hear or understand all that was said in the classroom, the ADA Coordinator determines Tommy is not receiving as effective communication as his peers. Accordingly, the School determines that it is obligated to provide Tommy CART services under Title II.



Nancy Blumstein



Ashley Geisendorfer

**New Federal Guidance ...
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New Federal Guidance ... Continued from Page 8

The joint guidance also identifies other ways Title II differs from the IDEA that can impact how a school determines what aids and services it provides a student with a hearing, vision, or speech disability. Under Title II, the guidance explains, public schools must give primary consideration to the auxiliary aid or service the student or his or her parent has requested. A school must honor the choice of the student unless it can prove that an alternative auxiliary aid or service will provide the disabled student communication that is as effective as that provided to students without disabilities.

The guidance further explains that when a school determines what auxiliary aid or service to provide, the determination must be made on a case-by-case basis, considering the communication used by the student, the nature, length, and complexity of the communication involved, and the context in which the communication is taking place. In addition, auxiliary aids and services must be provided in a way that protects a student's privacy and promotes his or her independence. For example, the guidance suggests that for in-class reading, an accessible electronic book (e-book) may allow a blind student more independence than would a reading aide because, with an e-book, the student can control the pace and revisit passages as needed.

Second, the guidance warns that school districts may need to reassess its provision of auxiliary aids and services more frequently under Title II than under the IDEA. While the IDEA requires, at minimum, an annual review of a student's IEP (including related services), a school has a continuing obligation under Title II to assess the auxiliary aids and services it provides to students with hearing, vision, or speech disabilities. The recent guidance "strongly encourages schools to reassess the effectiveness of communication regularly as a situation changes." It recommends that schools consult with a student's parent or guardian "at the first opportunity" regarding what auxiliary aids or services they believe to be appropriate for the student and update information about these preferences at least every year or whenever the parent or guardian requests a change. On the other hand, the guidance also appears to suggest that a reassessment under Title II could even occur over the course of a single conversation. For example, it opines, "what could begin as a simple request by a student to check out a book from the school library . . . [could] evolve into a more complex communication concerning assistance in completing a research paper." While an exchange of written notes could be sufficient for the first part of the conversation, the complexity of the second part of the conversation may not be effectively communicated over an exchange of notes.

Third, the recent guidance reminds schools that, under Title II, schools must provide students auxiliary

aids and services in a timely manner. The obligation is triggered when a school knows that a student needs assistance with communication. Parents do not have to make a specific request for different or additional auxiliary aids. Thus, when a school becomes aware or is informed that a student needs assistance with communication, it must provide the student appropriate or requested auxiliary aids or services as soon as possible. The guidance advises that a school keep a student and his or her parents informed of when the auxiliary aids or services will be provided if the student is waiting. Under Title II, these aids and services must be provided even when a student's IDEA evaluation and IEP process are still pending.

Despite the different standards applicable to Title II and IDEA, the recent guidance acknowledges that information learned during a student's IDEA evaluation can be used to determine what kind of auxiliary aids and services the student may require under Title II. As noted above, however, the recent guidance emphasizes that timing is important under Title II and the school cannot wait for a completed IDEA evaluation before providing a student Title II auxiliary aids and services. In the case where a student's IDEA evaluation is pending, the guidance recommends that the school first address the child's needs for Title II auxiliary aids and services while preceding with the IDEA evaluation process. Once the IDEA evaluation is complete, the school may need to reassess whether the child needs different auxiliary aids or services to ensure effective communication based on the results of and information gained during the IDEA evaluation. If the IEP team is delegated authority to make a Title II determination, it must use the Title II standard entitling the disabled student to the auxiliary aids and services necessary to ensure that he or she has as effective communication as non-disabled peers enjoy, even when those aids and services may go above and beyond that which is required to ensure a FAPE.

Finally, the recent guidance explains that if an auxiliary aid or service is required under Title II, but is not required under the IDEA, IDEA funds are not available to pay for the aid or service. School districts cannot charge for the auxiliary aids or services necessary to comply with Title II. A school must provide a particular auxiliary aid or service that is otherwise required unless it can prove that such an auxiliary aid or service would result in a fundamental alteration in the nature of the service, program, or activity, or an undue financial and administrative burden for the school. This determination must be made by the head of the school or his or her designee with the authority to make budgetary and spending decisions. The decision must be based on a consideration of all

New Federal Guidance...
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Losing Our Way... Continued from Page 7

the classroom including shortened assignments and the option of having tests read to him in a quiet setting. Please see attached IEP dated October 14, 2014.”²

Even more troubling, this ‘model language’ provided has a Flesch-Kincaid Reading Index of 12.0 (grade level), placing it above the reading level of many parents whom the form is designed to inform. It would seem the goal is becoming less about communicating with parents so that they can provide ‘informed consent,’ and more about producing paperwork that meets an ever-rising standard.

A Systems Problem

While due process paperwork is important, compliance cannot be the force directing the course of special education. Even the federal Office of Special Education Programs (OSEP) has acknowledged that “There is no data to support that an emphasis on compliance monitoring improves (student) results.”³ If we are indeed becoming more concerned with doing things right (viz., paperwork compliance), and less concerned about doing the right things (viz., providing exemplary services to students), then we have a systems problem that extends from the Feds down to the special education classroom.

I believe there are four key, systemic changes that must occur if we are to refocus our attention away from paperwork compliance and back on to meeting the needs of children and youth with disabilities:

1. We must lobby to remove the 100 percent compliance requirement. De minimus errors that

do not impact parental rights nor services to students should not result in citations that divert staff time and energy away from working with students and toward correcting trivial errors.

2. The gulf between Special Education Policy and Compliance and Assistance must be eliminated. The two units must work hand in hand with one another, such that the Policy unit sets the policies and standards promoting best practices in educating children and youth with disabilities, while C&A enforces those policies and standards.
3. We must reverse the trend of ever-rising compliance standards that seemingly care more about the letter of the law than the intent of the law. Due process paperwork must be written in simple, clear language that parents can understand so that they can truly provide ‘informed consent.’
4. As special education leaders, our primary mission must be targeted to creating, supporting and continually improving programs and services for children and youth with disabilities. We must insure that our efforts and the efforts of those we supervise are focused on doing the right things, and not just doing things right.

¹ Norm Andresen, former Director in Brainerd, reflecting on his career just prior to retiring.

² Minnesota Department of Education (MDE), 2014. *Part B-Notification of evaluation and programming*. 2014. Roseville, MN: Author. Retrieved from: <http://education.state.mn.us/MDE/EdExc/ProDev/SpecEdRecRev/index.html>

³ Office of Special Education Programs (OSEP), 2012. *Getting results-driven accountability in special education: Questions and answers 4-5-12*. Washington, DC: Author. Retrieved from: <http://www2.ed.gov/about/offices/list/osep/rda-qa.pdf>

MASE Leadership Issues (Formerly "Rural Issues")

Thursday, January 15, 2015
Benton-Stearns Education District
&
Thursday, April 16, 2015
Sauk Rapids Government Center

10 am - 2 pm

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

Hope to see you there! Questions? Call (651) 645-6272.

Thanks to Duane Borgeson, Executive Director, Benton-Stearns Education District, for arranging the venue.

New Federal Guidance ... Continued from Page 9

resources available for use by the service, program, or activity. Such a determination must be accompanied by the decision maker's written statement of the reasons for concluding that a requested auxiliary aid or service would cause such alteration or burdens.

For a complete copy of the Office of Civil Rights and the Office of Special Education and Rehabilitative Services' joint guidance on public schools' obligations regarding Effective Communication for Students with Hearing, Vision or Speech disabilities in Public Elementary and Secondary Schools, visit the Office of Civil Rights' website at www2.ed.gov/about/offices/list/ocr/docs/dcl-faqs-effective-communication-201411.pdf.

Three Sea Changes Affecting Licensing, Educators, Performance Appraisals and Professional Development

By Ann Zweber Werner
Founder, Whitewater Learning®

In 1997, after years of steady practices governing the licensing of educators, a sea change occurred in longstanding rules in Minnesota and many other states. The new rules included the addition of competencies in Minnesota and standards or competencies in other states. Each state selected its own, with the majority adopting the Interstate School Leadership Licensure Consortium Policy Standards (ISLLC). But Minnesota, as is often the practice of our state, created its unique set of competencies for administrators. The new adoption added a significantly deeper dimension to licensing, requiring the demonstration of "knowledge, skills, and dispositions" for each competency stated in rule before a panel made up of practitioners and university representatives.

Then, as a result of the No Child Left Behind Act, a second sea change was triggered, causing actions and decisions designed to address principal and teacher performance reviews that include identification of a specific "polisher" or area for improvement to accompany an educator's evaluation. The "no-pressure-but-no-money-if-you-do-not-feel-any-pressure" model had a domino effect that started at the federal level and, like white water, moved through states and into school districts, finding its way to the classrooms and offices of individual teachers and principals. It has also triggered the development of support systems to facilitate the inherent processes that have evolved. The following buoy symbolizes the

concept of a safety preserver and can be applied to all involved.

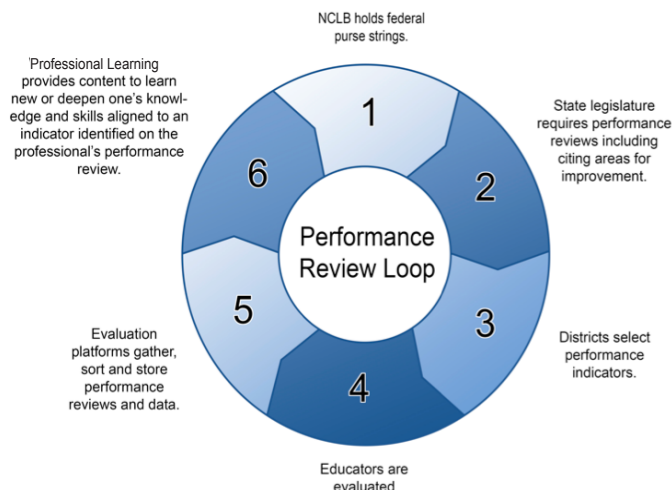
The federal and state purpose for beefing up performance reviews is to create greater assurance that educator proficiencies will improve on a constant upward trajectory, over time. The end goal is improved student success to support the national NCLB goal of each student being college or workforce ready by graduation from high school.

The last segment of the life preserver is for those being evaluated. It is the "safety net" for teachers and administrators after an evaluation and performance indicator has been identified for improvement. It is really the impetus for the third sea change that must be addressed to close the loop in the evaluation and performance improvement process as demonstrated in the following scenario.

A group of teachers, coaches, union representatives and the principal met to discuss the new teacher-evaluation system on the cusp of implementation. The question presented by the teachers to the principal was, "Now that you will be explicitly putting areas for improvement into our professional evaluations, what is available to help us improve, increase the success of our students, and protect our jobs?"

Though traditional methods of professional development still have a place in the total design of a robust system of providing ongoing learning opportunities for educators, they cannot meet the needs of all educators, all of the time. With individualized performance reviews come the need for personalized life vests for each educator riding the waves of education in its rapidly moving currents of changing student needs and those of a global economy. The language for performance reviews has changed from achieving competencies and standards, still used for initial licensing, to addressing performance indicators as are found in multiple platform options supporting school district performance reviews such as Mods4Edu, Zimco, McRel, Danielson and Marzano, among others. Each provides support but not always the individualized, just-in-time professional development to address the specific indicator identified and documented for the

**Three Sea...
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CASE Legislative Leadership Seminar

by Todd Travis
MASE President-Elect & Director of Special Education
Midwest Special Education Cooperative

This past July, I had the opportunity to attend the Counsel of Administrators for Special Education (CASE) Legislative Leadership Seminar in Alexandria, Virginia. The purpose of the seminar was to prepare participants to be effective advocates for students with disabilities and prepare participants to meet with their national legislators. Alexandria, Virginia is located adjacent to our nation's capitol giving participants easy access to the capitol and legislators.

I was pleased that all the legislators and their aides were truly interested in what I, as a special education director, had to say. Legislative aides play a larger role in keeping the legislator they work for informed on important issues. Making connections like this is critical if we, as advocates for students with disabilities, are to have an influence at the national level. We all know Individuals with Disabilities Education Act (IDEA) reauthorization is long overdue. We also know that reauthorization will take place in the not too distant future. This is a critical time to have our voices as advocates for students with disabilities heard.

I was impressed, and somewhat surprised by several things while visiting the capitol:

- The access that I had to legislators and their aides.
- The number of lobbyists that work in the area of education.
- The deference given to constituents that is often not given the lobbyists.
- The influence each of us can have on our legislators if we take time to contact them.



Todd Travis

As advocates for students with disabilities we all understand the significant role that federal legislation plays in the provision of special education services. It is critical as the political wheels for the reauthorization of IDEA begin to move that our voices are heard.

Please take some time out of your busy schedule to contact your legislators in Washington, DC.

Your voice can make the difference.

Three Sea... Continued from Page 11

The third wave of change requires a different way of thinking about PD. It must include individualized options with robust specialized content that address higher order thinking and skill development with the intent of mobilizing teachers and administrators to reflect on their feet. It challenges the educator to differentiate classroom content, systems, and ways of being to meet the needs of each learner. This is the basis of today's performance review system and individualized plans for improvement. And, to enable our new commitments to each learner, educators must have access to systems that provide easily attainable supports as each rides his or her waves each day. The solutions are complex, requiring:

- Easily accessible individualized online options.
- Affordability.
- Alignment to performance indicators.
- Provision of supports for the streams of learning that are expected in today's vision of education essentials.

- Cause thinking that goes beyond initial licensing and the burgeoning instructors "commencement" or beginning into his or her profession.

A new grid that is the amalgamation of performance-indicator concepts included in Danielson, Marzano, McRel, Zimco, and Mods4Edu platform models and aligned with individualized professional development options is available for review at: www.whitewaterlearning.org/PROFESSIONAL_COMPETENCIES.html

The History of Special Education Administration in Minnesota

This spring Minnesota Special Education Leadership Foundation (MnSELF) received a grant to research the History of Special Education Administration in Minnesota. The project is financed with funds provided by the State of Minnesota from the Arts and Cultural Heritage Fund through the Minnesota Historical Society.

Dr. Norena Hale is conducting the research. Thus far she has found some interesting tidbits. Did you know?

1. The first institution authorized in Minnesota is the State Deaf and Dumb Institution in Faribault in 1858, the same year Minnesota becomes a state.
2. By 1900 "less than 10 percent of the boys and girls of high school age are in school – most drop out before the eighth grade.
3. In 1904, 60% of all common school teachers are not high school graduates.
4. The 1907 state legislature requires every parent of a normal child too deaf "to benefit" from instruction in a public school shall "send such child or youth to the school for the deaf." To not do so is considered a misdemeanor.
5. When one-room schools are consolidated (over 8,000 school districts at the peak), a principal (lead) teacher is to be designated. The elementary principal and superintendent positions evolve from this.
6. In 1915, the first special class law in public schools is passed. It allows state aids to be paid for "four types of defectives – the deaf, the blind, the mentally subnormal, and speech defectives" when there are more than five students of any one defect to form a class. There are no requirements for teacher training or supervision.
7. In 1941 the Department of Education is required to have a half-time position to approve every child placed in special classes and pay the state aids for each child's school attendance. For 16 years, Mayme Schow holds this position using her individual card file and calculator.
8. Minnesota's major special instruction law is passed in 1957 for all children "who are educable." This begins efforts to formalize special instruction program supervision and administration. The words "who are educable" are not removed until 1985.
9. Title VI of the Elementary and Secondary Education Act (amended 1967) provides grants to states for "the organization of local school district or group of school districts for administration and supervision of the special education program or project."
10. Prior to 1967-68, there are no inter-district special education cooperatives. During 1967-68 there are 11 directors, most are from cities and suburbs. By 1970, there are 17 with "14 others underway."

Norena is researching all of the state statutes, rules, department of education documents, dissertations, studies, and other historical documents and reports at the Minnesota History Library, the Legislative Reference Library, the University Libraries, and online. She has received a number of documents from interested persons and she would love to hear about others that are important to documenting the history of special education administration in Minnesota. She says she is learning so much about educational leadership and administration in Minnesota and she looks forward to writing up and sharing the information with everyone.

Norena's next step is to collect pictures that could be included in the publication. She has some from the Historical Society of early schools and institutions but she needs pictures of supervisors and directors of special education from the 1960s to today. She would love ones that are historically interesting – meaning pictures that show one or more supervisors or directors in early working groups (local or state), working with parents or children, receiving an honor or award, testifying before a state or congressional committee, showing a first, etc. Just be sure they are public rather than private pictures, that is, the people in the picture know that it was a public meeting, for example. You can send electronic copies to norenahale@gmail.com.

Norena expects the research to be completed this month. MnSELF's next step will be to seek continued support from the Minnesota from the Arts and Cultural Heritage Fund through the Minnesota Historical Society to finalize writing, editing, and design layout of the document for publication.



2015 MASA/MASE Spring Conference

March 12-13, 2015

**Minneapolis
Marriott Northwest
Brooklyn Park, MN**

Welcome New MASE Members!

Mike Callahan, Director of Student Services, Spring Lake Park Schools

Deb Carlson-Doom, Director of Special Education, Innovative Special Education Services

Michael Cary, Director of Curriculum, Duluth Schools

Mindy Christopher, Special Education Coordinator, SW/WC Service Cooperative

Patrick Clymer, Student Services Supervisor, Roseville Area Schools

Emily Cooley Dobbins, Special Education Teacher, Wayzata Public Schools

Lori Dierks, Ass't. Dir. of Alternative Programs, SW/WC Service Cooperative

Rhonda Jo Donatucci, Executive Director, Metro Deaf School

Paul Drange, Director-Regional Programs, Nat'l Joint Powers Alliance

Andrea Engstrom, Special Education Coordinator, Rosemount-Apple Valley-Eagan Schools

Jake Frey, Special Education Coordinator, New Prague Area Schools

Jennifer Froehlich, Special Education Coordinator, MAWSECO/Rockford Area Schools

Suzanne Gikas, Intervention Specialist TOSA, Anoka-Hennepin School District

Staci Gilpin, Director of Special Education, Deer River, Floodwood, Hill City, Greenway, Nashwauk-Keewatin Schools & Northland Community Schools

Holly Grams, Unique Learners Manager, St. Croix River Education District

Amy Green, Director of Special Education, Sherburne-N Wright Special Education Cooperative

Melissa Hayes, Special Program Supervisor, Anoka-Hennepin School District

Laurie Hume, Special Education Coordinator, Burnsville-Eagan-Savage School District

Shawn Huntley, Ass't. Dir. of Alternative Programs, SW/WC Service Cooperative

Erin Jensen, Special Program Supervisor, Anoka-Hennepin School District

Amy Johnson, Director of Special Education Programs, Minneapolis Public Schools

AnnaRae Klopfer, Special Services Supervisor, St. Francis School District

Heather Kosec, Special Education Program Supervisor, N. St. Paul-Maplewood-Oakdale School District

John Larson, Director of Student Support Services, Nova Classical Academy

Kristine McDonald, Special Services Supervisor, South Washington County Schools

Danielle Mickelson, Early Childhood Special Education Supervisor, White Bear Lake Area Schools

Katie Mikla, TOSA, South Washington County Schools

Angela Pahl, Special Education Coordinator, New Prague Area Schools

Jody Remsing, Special Education Supervisor, Burnsville-Eagan-Savage School District

Carl Romstad, Director of Special Education, Designs for Learning, Inc.

Kori Ryan, Special Education Coordinator, SW/WC Service Cooperative

Donald Scheckel, Ass't. Director of Special Education, Hiawatha Valley Education District

Stephanie Schmitz, Special Education Coordinator, Southern Plains Education Cooperative

Rob Scripture, Principal, Rochester Public Schools

Amy Stafford, Interim Student Support Services Supervisor, Minnetonka Public Schools

Kathy Stronstad, Director of Special Education, Crookston Public Schools

Jody Tschetter, Director of Special Education, Designs for Learning, Inc

Jon Voss, Executive Director of Teaching & Learning, Intermediate School District 287

Marcia Walker, Due Process Facilitator, Columbia Heights Public Schools

Kevin Witherspoon, Director of Special Services, South Washington County Schools

Kathy Zwonitzer, Special Education Coordinator, Centennial School District

Nominate Today! MASE Leadership Positions and Award Nominations Now Open

Nominations are open until **January 12, 2015** for the MASE offices of:

2015 - 2016 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, email 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 2015 - 2017

The Treasurer serves a two-year term.

Treasurer Duties:

- The Treasurer shall oversee the receipt and disbursement, upon proper authorization, all funds of MASE. S/he shall keep an accurate record of receipts and expenditures, and present a report at each annual meeting. The Treasurer shall draw up a proposed budget for the forthcoming year and submit it at the annual business meeting. S/he shall carry on financial and other responsibilities as necessary in regard to matters as delegated by the President and/or Board of Directors.

Area Board Representatives:

- Area B
- Area D
- Area F-1
- Area G
- Retired

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, 2015.

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:

- 2015 MASE Distinguished Service Award
- 2015 Special Education Administrator of the Year Award
- 2015 MASE Legacy Award
- 2015 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 12, 2015. You may also email your nomination to aranallo@mnasa.org.



Thank you to Our Generous Sponsors and Members!



Thank you to all who participated in the MNSELF fundraising events during the MASE Fall Leadership Conference. Between the Loose Change, Silent Auction, Wine Tasting, Brainy Buddies and member donations, MNSELF earned \$5,089.46 to sponsor and support leadership training for special education leaders. You can learn more about MNSELF by visiting the MASE website.

Congratulations to:

- Area H, Wine Tasting Table Winner
- Area G, Loose Change Winner
- Area A, Silent Auction Winner

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

We thank our 2014 Fall Conference Sponsors:

- Benchmark Education
- Headway Emotional Health Services
- Infinitec
- Lexia Learning
- National Geographic/Cengage Learning
- Pearson
- PresenceLearning
- Scholastic Education
- SpEd Forms
- Strategic Staffing Solutions
- Transition Assessments and Curriculum
- Vizzle by Monarch Teaching Technologies
- Voyager Sopris Learning
- West Metro Learning Connections, Inc.
- Zaner-Bloser

MASE Calendar

2014

Wednesday - Friday, December 24-26
Winter Holiday - MASE Offices Closed

2015

Thursday, January 1
Winter Holiday - MASE Offices Closed

Wednesday, January 7
MASE New Leaders Year 2, Monticello

Thursday, January 15
MASE Leadership Issues, Sartell

Thursday, March 5
MASE Day at the Capitol

Friday, March 6
MDE Director's Forum, St. Paul

Wednesday, March 11
MASE New Leaders Cohort, Brooklyn Park

Wednesday, March 11
MASE Board of Directors Meeting, Brooklyn Park

Thursday-Friday, March 12-13
MASA/MASE Spring Conference, Brooklyn Park

Friday, April 3
Spring Holiday - MASE Offices Closed

Monday, April 6
MASE New Leaders Year 2, Monticello

Wednesday - Saturday, April 8 - 11
CASE CEC, San Diego, CA

Thursday, April 16
MASE Leadership Issues, Sauk Rapids

Wednesday, May 6
MASE New Leaders Cohort, Madden's

Wednesday - Friday, May 6-8
MASE Best Practices Conference, Madden's

Friday, May 15
MDE Director's Forum, St. Paul

Monday, May 25
Memorial Day Holiday - MASE Offices Closed

Thursday-Friday, June 18-19
MASE Board of Directors Retreat, Minneapolis

Friday, September 11
MDE Director's Forum, St. Paul

Wednesday - Friday, October 21-23
MASE Fall Leadership Conference, Brainerd

Friday, December 4
MDE Director's Forum, St. Paul