



Minnesota Administrators
for Special Education

IMPACT

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Summer 2015

It is More Important Than Ever to be Active in MASE

by Cherie Johnson
MASE President and Executive Director of
Goodhue County Education District

The Minnesota Administrators for Special Education is an influential, service organization dedicated to increasing positive outcomes for students with disabilities through Legislative activism, high-quality professional development, collaboration and increased networking opportunities for its members. MASE members represent the organization on many statewide committees and are actively involved at the state and federal levels. The key to our success as an organization continues to be directly linked to the dedication, time, talent and diligent efforts of all of our members.

As administrators, we are faced with unprecedented economic conditions coupled with significant education reform. These are, indeed, challenging times. MASE is committed to supporting members through increased networking opportunities within regions and is focused on best practices for maintaining quality special education programs under fiscal duress. MASE continues to work collaboratively with the Minnesota Department of

Education, state and federal legislators, and other statewide organizations for the benefit of students.

The strength of our organization is directly related to the collaborative efforts of all of our members and your role is vital. Now is the time to renew your membership in MASE or to initiate membership if you just now have the opportunity.



Cherie Johnson
MASE President

The evidence of our collective work is repeatedly seen in our conferences, committee work, state work and networking with other organizations to make a positive impact for all students. MASE continues to be a model for other groups in terms of talent, commitment, and ability to affect positive change.

Annual MASE membership runs from July 1, 2015 through June 30, 2016. In the past weeks, current members received renewal information. Please take the time to fill out our renewal form and submit it the MASE offices. Encourage your colleagues, both within and outside the organization, to join. If you would like more information about our organization, please feel free to contact me. With the challenges we are facing in education, it is more important than ever to be involved and active with MASE. There are so many ways for you to be active in the organization! If you have a specific interest or would like to discuss committee options, please contact me at 651-398-6355 or cjohnson@gced.k12.mn.us.

Our MASE Fall Leadership Conference will be held at Cragun's in Brainerd on October 21-23, 2015. The conference promises to provide research-based

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Association Update Effective, Efficient, Engaging

by John Klaber
MASE Executive Director

We are coming to the end of the 2014-2015 school year and as I did last year, my first in this position, I want to reflect on our efforts to support our members and to influence the actions of those who have a significant impact on our lives as educational leaders serving students with disabilities.

Much of this year I have been absorbed with what the Legislature might or might not do. We continue to position ourselves as more than an organization that just opposes bad legislation. We fostered some new and intriguing alliances and failed at attempts with others.

Whoever would listen to us would hear of our **“3-E”** mantra. Allow us to focus on delivering **effective** instruction to students with disabilities. Do not erect new barriers or shore up old barriers to **efficient** delivery of services to those students. Believe, as we do, that quality education is not about instructional materials or advanced technology but about our ability to attract and retain the most gifted educational professionals. To do so, the career of serving students with disabilities in the public schools must be **engaging**. It must speak to the passion for educating students with disabilities found in the best and the brightest educational professionals.

First, the Legislature is still in session, and heading for the conference committee process. Last year at this time the centralized electronic special education paperwork system juggernaut was marching forward. It was and continues to be an example of how “feel good” legislation is so difficult to stop. We were able to influence the timelines for full implementation and other language. With the support of MDE and MREA, we have moved legislation in both houses making district implementation voluntary. That speaks to our ability to work with both political parties and make a convincing case for local autonomy and reasonable caution.

This past summer our CASE Representative Jill Skarvold, President-Elect Todd Travis and I were able to meet face to face with legislators and their staff in Washington, D.C. Our goal was and continues to be relationship building. Through the ongoing efforts of our Legislative Committee we had another excellent turnout for our day at the Minnesota

capitol. Many MASE members visited multiple senators and representatives with an especially strong representation from our Greater Minnesota members. I also want to recognize the increased communication to members regarding the goings-on at the Legislature provided by our lobbyist, Brad Lundell.

Second, during the past twelve months the Division of Compliance and Assistance at MDE

has twice filled its leadership position. It was initially filled by an individual who had no previous experience in Minnesota, with our hope that she would bring a new perspective. Faced with the reality of Minnesota winters, she left and the department re-opened the position. The newest director has made a career of living and working in Minnesota, so the weather should not be an issue. She has heard our concerns and hopefully will follow the new direction of OSEP where due process compliance, while necessary, is recognized as being of significantly lesser import than the quality of the educational outcomes for students with disabilities.

In April we finally heard back from OSEP regarding our 2013 request that they weigh in on whether stand-alone functional behavior assessments should be allowable. I conveyed to Director Marikay Litzau that based on our communication with OSEP, MDE was well within its rights to exceed IDEA and require the due process practices related to the use of functional behavior assessments. However, I suggested that those practices should not be considered a requirement of IDEA and that MDE could consider reviewing its previous directive. Allowing a “stand-alone evaluation” with all the associated parental permissions for the purpose of completing a functional behavior assessment would provide welcome relief to educators around the state. Anything that supports the “3-Es” should be considered a positive move in support of students with disabilities and the professionals who serve them.

Third, works in progress include reaching out to leaders of organizations representing elementary principals, middle/secondary principals, curriculum directors and superintendents to team with them on behalf of all students, not just those with identified disabilities. Under the



John Klaber
MASE Executive Director

Association Update, continued on page 3.

MASE IMPACT Summer 2015

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John Klaber

Association Update, continued from page 2.

leadership of Kim Gibbons, we met with the entire group once this year and look forward to future opportunities.

We had fruitful discussions with MSHA around the challenge of finding and supporting speech and language pathologists, especially those working under limited licenses. We have received assurances that the Board of School Administrators will be moving forward with changes to the special education director license so that school psychologists, in particular, do not face additional challenges to obtaining administrator licensure. Kim Gibbons and Cory McIntyre represented our organization as MDE worked towards addressing the legislative directives surrounding MTSS.

We were able to share our support for the Division of Educator Licensing's efforts to create reciprocity with our adjoining states and Illinois. In addition, we shared member concerns regarding perceived inconsistencies with the autism licensure portfolio process. Through the efforts of our treasurer, Lori Files, we have begun our Professional Partnership initiative with the goal to increase the number of professionals and businesses who identify as Business Partners of MASE.

Fourth, Nan Records continues to keep the pipeline full of new leaders. Her work with aspiring and first year directors has been so successful that participants have chosen to create a second-year group. Additionally, Nan provided a popular series of MASE-sponsored trainings for directors, business office staff and superintendents related to the new financing system.

Fifth, 150 individuals were privileged participants in the 2015 MASE Best Practices Conference. In my opinion, it was the best conference in memory with the focus on Results Driven Accountability. Our members are now well positioned to support their school districts as this initiative, which is about the success of all students, moves forward. What was truly impressive was the collaboration between our organization and MDE's Division of Special Education Policy. Special recognition goes to Assistant Commissioner Daron Korte and Director Barb Troolin for supporting and participating in this event. Renae Oulette, Mia Urick and the Professional Development Committee outdid themselves.

Finally, it continues to be my privilege to serve you, the members of MASE. We are in excellent hands with the likes of Todd Travis and Mary Clarkson as President and President-Elect. They are fortunate to have been preceded by the likes of Cherie Johnson, Kim Gibbons and Jill Skarvold. Remember, it is all about the 3Es: **Effective, Efficient, Engaging!** ●

IMPACT is your newsletter and we encourage your input!

If you have ideas or an article to share, please contact us at (651) 789-4061 or send an email to dchristians@mnasa.org.

2015 Legislative Session Wrap-Up

by Brad Lundell
MASE Lobbyist

As I write this newsletter copy, it's the last night of the Legislature's 2015 regular session and things are up in the air; hopefully everything will be resolved by the time you are reading this. The House and Senate have both passed the omnibus E-12 Education Funding bill and it is on its way to the governor. The governor has threatened to veto the bill because it does not contain much of an investment in his early childhood education plan and, again, this will hopefully all be sorted out by the time you are perusing this newsletter.

It's been an interesting—and frustrating—year. With a forecasted budget surplus of almost \$2 billion, it was hoped that the Legislature would set aggressive budget targets that would help correct the chronic underfunding of education that sadly has been the case over the past two decades. While the governor proposed an E-12 budget target of \$694 million, the Senate came in at just over half of that at \$364 million and the House came in at \$157 million.

It was a quiet, but somewhat productive, year for special education.

There is base growth in the special education budget and the governor proposed an additional \$40 million in his supplemental budget. The Legislature did not embrace that recommendation.

The conference committee that put together the omnibus E-12 funding bill had a target of \$400 million, with just over 70 percent of that being dedicated to the general education basic formula. The increases in the basic formula are \$87 per pupil unit for the 2015-2016 school year (1.5%) and an additional \$118 per pupil unit (2.0%) for the 2016-2017 school year. The bill contains a comprehensive facilities approach that will increase the ability of school districts throughout the state to meet their deferred maintenance needs on an on-going basis. There also is approximately \$60 million in new revenue for pre-kindergarten education in the form of increased school readiness revenue and an increase in the early childhood scholarship program.

It was a quiet, but somewhat productive, year for special education. There is base growth in the special education budget and the governor proposed an additional \$40 million in his supplemental budget. The Legislature did not embrace that recommendation. Instead it concentrated on putting money on the basic formula. It also has to be remembered, as mentioned above, that the Legislature's target was almost \$300 million less than the level of spending suggested by the governor.



Brad Lundell
MASE Lobbyist

MASE did make headway on several fronts.

- ▶ The online reporting system that was to become mandatory for all school districts beginning with the 2018-2019 school year has now been made optional. As part of the agreement to make the system optional, language was inserted into the bill requiring all products used to transfer special education records between districts must be compatible.
- ▶ There is language in the bill that requires the Minnesota Department of Education to find ways to reduce paperwork. While the language does not require that a formal task force or working group be convened, special education administrators are listed as a stakeholder that must be consulted as the Department develops its recommendations in this area.
- ▶ There is language in the bill that requires school districts to provide disability-specific training to paraprofessionals who are working with special education students.
- ▶ One minor setback that took shape during the conference committee deals with money that was in both the Senate and House files to provide additional training on developing alternatives to restraint and seclusion. That set of appropriations fell through the cracks and neither made it into the final bill.
- ▶ In a non-MASE item that affects a number of MASE members, the teacher development and evaluation revenue that was distributed last year to independent school districts that are not participating in the Alternative Compensation program will also flow to cooperatives. Unfortunately, that program was one-time money and while the costs for last

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year's teacher evaluation process will be covered—at least somewhat—there is no revenue for teacher development and evaluation moving forward. Instead, districts and cooperatives will be urged to develop an Alternative Compensation plan.

An additional \$9.5 million was added to the program, but that money will be absorbed by districts that already have approved plans. Hopefully, future Legislatures will increase the commitment to that program and all public education providers will have access to the \$260 per pupil unit in Alternative Compensation revenue.

Some of these items may change if the governor vetoes the bill, but given there is no new money attached to these provisions, I expect that they will remain as is.

I want to thank MASE members for their help this year. I think communication has improved and that is largely due to the Legislative Update process that has been put in place. I've really enjoyed writing those updates and I always enjoy hearing from MASE members sharing their perspectives on the issues facing the education community. ●

Active in MASE, continued from page 1.

strategies, timely updates and engaging keynotes. Our Spring Best Practices Conference is May 4-6, 2016 at Madden's Lodge in Brainerd. Registration materials will be posted on our web site shortly before each conference. If you are new to the organization, welcome!! We are so pleased that you've joined us. If you are a returning MASE member, thank you for all you do. I look forward to seeing you all soon! ●

Are You Moving?

Now is the time of year when many of our members are on the move! Help us keep track of you (and keep your MASE benefits and services coming to you). Please give Deb a call (651/645-6272 or 866/444-5251), fax her a note (651/645-7518), or send an email to members@mnasa.org. Deb will update your records. If you have new colleagues in your area who are not MASE members, please let us know and we will send membership information to them.

Service Animal Regulations: Not All Bark

By Nancy E. Blumstein, neb@ratwiklaw.com
Christian R. Shafer, crs@ratwiklaw.com
Attorneys at Ratwik, Roszak & Maloney, P.A.

Anna will start kindergarten in your school next year. She is wheelchair-bound, nonverbal, and suffers from seizures. Anna's mother states that the girl must be accompanied by a service dog to detect seizures, provide assistance and comfort during seizures, and assist Anna with various other tasks. Anna's service dog is "Spike," a German Shepard. Must you allow Spike to come to school? Can you require Anna's family to provide a handler for Spike? Does it matter if one of Anna's classmates is severely allergic to, or extremely afraid of, dogs?

While the 2010 amendments to the regulations implementing the Americans with Disabilities Act (ADA) appear to answer these questions, recent court and administrative decisions cast those answers into doubt. Particularly given these recent decisions, educators must exercise caution when restricting students' access to service animals in school.

By now, all school districts should have complied with the mandate to modify their "policies, practices, or procedures to permit the use of a service animal by an individual with a disability," 28 C.F.R. § 35.136(a). Regardless of its policies, however, a public school can only exclude service animals if: (1) the animal is out of control and the animal's handler does not take effective action to control it; or (2) the animal is not housebroken. 28 C.F.R. § 35.136(b). If the school excludes a service animal under this provision, it must allow the disabled student to participate without the service animal. 28 C.F.R. § 35.136(c).

While the exception for service animals that are "not housebroken" is fairly clear, the provision allowing exclusion of service animals that are not under their handlers' control is less so. For example, can a wheelchair-bound, nonverbal student "control" a service animal? On February 10, 2015, the United States District Court for the Central District of Florida answered that question "yes." *Alboniga v. Sch. Bd. of Brower County Florida*, 2015 WL 541751, *20 (S.D. Fla., 2015). Specifically, the *Alboniga* court held that a service animal was under a student's control because it was tethered to his wheelchair during the school day. *Id.* In reaching that conclusion, the court looked at specific regulatory language

that requires service animals to have a tether or leash, unless the handler is unable to use a tether or leash because of his or her disability or the tasks performed by the service animal and another case that held service animals must be "attended." *Id.*

The Brower County school district also argued that the parents should have to provide a handler because school districts are not responsible for the "care or supervision of a service animal" and the service animal needed to go outside to urinate periodically during the school day. *Id.* at 21; see also 28 C.F.R. § 35.136(e). While acknowledging that the district was not responsible for "care or supervision," the court held that taking the service dog outside to urinate was not "care or supervision." *Id.* Specifically, the court held that assigning an employee to assist the student with taking the dog outside was an accommodation for the student, not care for the animal. *Id.* While not answering the rise to the level of "care or supervision."

Ultimately, the *Alboniga* court held that the Brower County school board violated the ADA by requiring the parents to provide liability insurance for the service animal, requiring vaccinations beyond those required by law, and hiring their own handler. See, generally, 2015 WL 541751. The first two limitations, it disposed of in five sentences. *Id.* at *18. In holding that the district, not the parents, had to assist the student with handling the service animal, the court likened the situation to helping non-disabled students with using the restroom or assisting disabled students with an insulin pump or a motorized wheelchair. *Id.* at 22.

The Department of Justice reached a similar conclusion in April 2015. See, generally, *Gates-Chili Central Sch. Dist.*, 65 IDELR 152 (DOJ, April 13, 2015). The student was nonverbal, though she was able to communicate audibly by using software on an iPad. The service dog did not require any "care or supervision" during the school day: it did not eat, drink, relieve itself, or need exercise during the school day. The dog, however, did need to be tethered and untethered to the student's wheelchair. The dog's handler also provided some verbal commands that the student could not provide.



Nancy E. Blumstein
Attorney

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Service Animal Regulations, *continued from page 6.*

The district initially required the parent to provide a handler to assist the student with the dog at school, which the parent spent over \$40,000 to do. The Department of Justice concluded that the district violated the student's ADA rights and that the district must permit her to bring the service animal to school "without also having to provide a separate adult handler." The Department also concluded that district staff must assist the student with providing verbal and non-verbal commands to the dog and using the dog in accordance with her seizure protocol.

A 2013 agreement between a New Hampshire School District and the United States Department of Education Office of Civil Rights (OCR) further highlights the potential scope of the ADA service animal regulations. *Sch. Administrative Unit # 23 (NH), 62 IDELR 65 (OCR, May 22, 2013)*. That agreement, entered into to resolve a parental complaint, required the school district to designate an aide to issue commands to a student's service animal and a backup aide, in the event of the aide's absence. The district agreed to pay for a dog trainer to observe the student with the service animal and provide "at-school training for [the service animal] and the aides." The training was intended to teach the dog to respond to the aides' commands, stay quietly by the student, travel with the students from one area to another, and not disrupt or interfere with the student's education or school environment.

Schools may be able to exclude service animals if the animal "poses a direct threat to the health or safety of others."

Schools may be able to exclude service animals if the animal "poses a direct threat to the health or safety of others." 28 C.F.R. § 35.139(a); see also *Alboniga*, 2015 WL 541751, *15, *Lockett v. Catalina Channel Express*, 496 F.3d 1061 (9th Cir. 2007). In order to invoke this exception, the school "must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence." 28 C.F.R. § 35.139(b). The school must ascertain "the nature, duration and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or service will mitigate the risk." *Id.* Court also cautioned that a one-time exclusion of a service animal is more likely to survive an ADA challenge under this exception than an ongoing exclusion. *Lockett*, 496 F.3d at 1066.

In addition, courts consider the school's ability to accommodate students' allergies while accommodating a student's need for a service animal. See, e.g., *Kalbfleisch ex rel. Kalbfleisch v. Columbia Community Unit Sch. Dist. Unit No. 4*, 920 N.E.2d 651, 664 (Ill. App. 2009). Therefore, schools

likely face an uphill battle if they attempt to categorically bar service animals based on allergies or other health concerns.

None of the cases discussed above involved Minnesota schools. It is unclear how Minnesota courts will address these issues. That being said, the decisions by other courts, the Department of Justice, and the OCR indicate a trend towards fewer restrictions on service dogs in school. Parents and their advocates are aware of this trend and, in some cases, are already using these recent cases to pressure schools into accepting their "service animals" in school.

...the safest course of action is to address each request for a service animal individually, keeping in mind the limitations on schools' obligations...

At this juncture, the safest course of action is to address each request for a service animal individually, keeping in mind the limitations on schools' obligations (e.g., schools are not obligated to pick up after the dog or accept a dog that is not housebroken). Schools should avoid categorically telling parents that a service animal is not necessary for their child, requiring additional certifications or placing additional restrictions on service animals not expressly allowed by law. Finally, if a student is allowed to bring a service animal, schools should evaluate on a case-by-case basis whether the animal poses a threat to others' health and safety and whether the student can effectively "control" the animal, regardless of his or her medical conditions. Because of the individualized nature of these inquiries, the changing landscape of the law, and the potential for liability, schools should also consult legal counsel before denying any request for a service animal. ●

Have you renewed your MASE membership?

Membership materials have been mailed. For more information or additional membership materials, contact the MASE office at (651)645-6272 or members@mnasa.org or visit our website at www.mnase.org.

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Strategies for Working With Building Administrators

By Reggie Engebritson, Ed.D.
Executive Director
Northland Learning Center/Northland Special Ed Cooperative

I am the special education director of a large Minnesota cooperative. There are 11 districts in the co-op and we cover 5,000 square miles, almost the size of Connecticut. My board consists of the superintendents for 10 of the 11 districts. I am the executive director for the 11th district. I meet monthly with my board, so I have more frequent contact with the superintendents than I do the principals of those 10 districts. Therefore, it can be a challenge to work collaboratively with principals who are at least an hour away, if not up to three hours.

Create Purposeful Dialogue

Andrew Bernard is one of 27 principals with whom I work. We have a good working relationship. He will tell you, tongue-in-cheek, that it's a good working relationship because all he has to do is ask me what I want him to do; I tell him; and he does it. Nothing wrong with that, I would say! But, it goes a bit deeper.

To start with, Andrew "gets it." He realizes that special education is not the answer for every student's problem. Therefore, he has created an intervention team to look at student issues. When doing trainings for the principals on forming intervention teams, I often ask them, "If I was a general education teacher in YOUR school and I was struggling with a student, academically or behaviorally, where would I go for support in YOUR school?" A few years ago, the principals could not really identify a process or procedure in their building to give their teachers the support they needed. But through continual dialogue and support, all the schools in our co-op have some type of process in place to provide teachers with the support they need. This process also gives teachers interventions to try before referring a student for special education. I'll let Andrew tell you his story.

Create Child Study Teams

As Reggie stated, my name is Andrew Bernard and I am the Principal at South Ridge School in Culver, Minnesota. South Ridge is an E-12 school with a population of 600 students located in a relatively rural area (30 miles NW from Duluth). South Ridge has a diverse student body with a wide range of ethnicities and socio-economic statuses. It is quite a melting pot of backgrounds. I am fortunate to have an experienced teaching staff, which includes a highly trained special education team. I am also fortunate that many of the employees of the school also live in the community, making them active stakeholders in the school and the student body, as a whole.



Reggie Engebritson, Ed.D.
Executive Director
Northland Learning Center

"If I was a general education teacher in YOUR school and I was struggling with a student, academically or behaviorally, where would I go for support in YOUR school?"

At South Ridge, we run an organized system of Child Study Teams (CST). The goal at these meetings is to identify students who struggle and discuss interventions to assist the student. Each Tuesday, we meet for about 30 minutes. I meet with a different group each week: so the first week is Early Childhood-2nd grade, then 3rd-6th grades, 7th-9th, and 10th-12th. Attending these meetings are all the mainstream and special education teachers, our on-site mental health skills practitioners, and myself. It really takes a village and it's nice to let teachers know that they are supported and not on an island when it comes to helping students.

Attendance at CST meetings is not required, but I am blessed with a culture of expectation where all teachers attend and collaborate with their respective grade level professionals. I do try to keep the meetings light and inject humor, when appropriate. I do not run the meeting. Each team has designated a moderator/note taker who records data for the meeting and keeps it moving; this person is not a special education teacher. The idea is for teachers to discuss students who struggle and tap the expertise in the room to brainstorm possible interventions.

Strategies for Working, continued on page 9.

Congratulations

2015 Stenswick-Benson Scholarships Awarded

MASE's Stenswick-Benson Scholarship Fund began in 1991 in memory of two Directors of Special Education, Ellsworth Stenswick from Bloomington and Loren Benson from Hopkins, who were considered pioneers in the field of special education. Throughout the years, MASE has sponsored fundraisers in the fall to support this effort and we are pleased to be able to offer scholarships each year to aspiring special education leaders.

This year we had 16 applications for the scholarships. We are pleased to announce this year's recipients:

- **Amber Haluska**, St. Cloud State University; Director of Special Education
- **Emily Cooley-Dobbins**, University of St. Thomas; Director of Special Education
- **Jackie Mergner**, Minnesota State University Mankato; ECSE Licensure
- **Brett Kosidowski**, University of Concordia St. Paul; E/BD licensure

Special thanks to our Scholarship Committee:

- **Shannon Erickson**, Fergus Falls Area Special Education Cooperative, Committee Chair
- **Candy Malm**, PAWN Cooperative
- **Eva Pohl**, BRIC Cooperative
- **Jill Skarvold**, Moorhead
- **Tammy Stahl**, SW/WC Pipestone Area Cooperative

Strategies for Working, *continued from page 8.*

Each CST meeting begins by reviewing minutes from the previous meeting. This allows teachers to update the team on interventions they may have tried with a struggling student. Teachers then have an opportunity to discuss any new students. This process allows an open dialogue that hopefully offers teachers tangible interventions to try to help struggling students.

It really takes a village and it's nice to let teachers know that they are supported and not on an island when it comes to helping students.

Teams Support Teachers

Andrew's story is a good example of what we are trying to accomplish. About three years ago, 25 percent of our special education referrals ended up as DNQ, Do Not Qualify. Now, thanks to the intervention teams that have been formed, our DNQ rate is at 3 percent. I'm appreciative of the hard work that the principals in my co-op have done to create and sustain these teams. The teams not only benefit students, but they benefit the teachers. Through collaboration and problem solving, teachers feel supported as they face the many challenges that come through our public doors. ●

TRANSITIONS

On the Move – Retirees and District Changes

Congratulations to MASE members who are retiring this year

Kathleen Brown, Osseo School District
Eddie Crawford, Duluth School District
Laura Fredrickson, Duluth School District
Coleen Goltz, Dilworth-Glyndon-Felton School District
Joy Carlson Kieffer, Buffalo-Hanover-Montrose School District
Marcy Matson, Detroit Lakes School District
Jonathan Miller, Big Lake School District
Carla Nohr Schulz, Farmington Area School District
Jill Skarvold, Moorhead School District
Barbara Troolin, MN Department of Education

Congratulations to MASE members who are moving to new positions

Kimberly Chalmers, Goodhue County to Farmington Area School District
Jason Crane to Duluth School District
Amy Green, Sherburne North Wright to Buffalo-Hanover-Montrose School District

The Journey Toward Results Driven Accountability: Preparing for Impact

By Barbara Troolin
Director of Special Education
MN Department of Education

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Lakeville Area Public Schools

“System-wide change will only happen if there are multiple drivers, multiple partnerships, multiple teams and many individuals working together in new ways to create a new culture.” - Alma Harris (2010)

From May 6-8, in the lovely setting of Madden's Resort and Conference Center in Brainerd, we started on a journey to learn more about Results Driven Accountability (RDA) and what it means for all of us. On Wednesday evening, Renaë challenged us to wholeheartedly embrace the challenges ahead and assess where we are individually on the change curve. Are you resistant and focused on the obstacles of change? Are you in a more neutral spot or are you looking ahead with a more positive view on the opportunities for your leadership as part of the change process? It was exciting to see that many of our conference participants were looking ahead to exciting changes in the future—even if they had no idea what RDA was! Conference participants were there for inspiration, ideas, tools, and success stories. We were embarking down a new road together.

On Thursday morning, Dr. Alan Coulter, the Director of Education Initiatives at the Human Development Center at Louisiana State University and Director of the T.I.E.R.S. Group (Teams Intervening Early to Reach all Students), gently fastened our seatbelts and sped us off on a wild ride through RDA at the federal level. In recent years the federal Office of Special Education Programs (OSEP) has shifted its thinking on how to support states and, in turn, how states can help local education agencies to achieve desired results for students with disabilities. Dr. Coulter made it clear that data *does not* show OSEP's long-standing focus

on compliance monitoring has improved student outcomes. Although compliance will always remain an important foundation of special education, the **effectiveness** of services to students is now at the forefront.

OSEP, as well as other federal agencies, share a sense of urgency around student performance including academic achievement, graduation/dropout rates and post-secondary outcomes. Dr. Coulter challenged us with questions. What problems/challenges will your school system face in implementing results-driven rather than compliance-driven special education services? Why is RDA happening? What are you going to do about it? And, once addressed, how will you know if your plan is working? The need to focus on **measuring student results and using data to inform program improvements** was the powerful take-away message from our keynote speaker.

What problems/challenges will your school system face in implementing results-driven rather than compliance-driven special education services?

Following the general session, attendees joined three breakout sessions offered in 'round robin' style: RDA: *The Minnesota Context, Implementation Science, and Use of Data*. During the *Minnesota Context* session, Barbara Troolin reviewed the OSEP driven process for state planning, which included an overview of data collection and analysis, infrastructure analysis, stakeholder input, and selection of a focused area of improvement. While Minnesota's State Systemic Improvement Plan (SSIP) focuses on graduation outcomes as the identified measurable outcome, the plan also emphasizes the implementation of activities that make a difference for all students on with disabilities and improve post-graduation opportunities. Daron Korte, MDE Assistant Commissioner, shared how other agency initiatives and legislation, such as World's Best Work Force (WBWF), align with the transition to results driven accountability. Special Education Directors Corey McIntyre from North St. Paul/Maplewood/Oakdale and Jennifer McIntyre from Intermediate School District 287, offered district-level RDA examples to bring concepts to life for conference participants. Their real-world examples demonstrated the value of using data to identify strengths and areas for improvement and of creating a well-defined implementation process to achieve systemic change.

A great session on Implementation Science highlighted how critical sound implementation practices are to linking evidence-based practices to improved student

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outcomes. Eric Kloos from MDE provided an overview of Implementation Science — an emerging research and practice discipline that formally explores factors affecting the use of effective practices. Directors Kate Emmons from Osseo and Patty Popp from St. Cloud described their experiences working with MDE to implement PBIS in their districts. District level implementation tools and processes were highlighted and the speakers challenged participants to think differently about their role in creating the conditions necessary to implement new practices.

Central to RDA is the effective use of data to monitor academic progress, evaluate instructional practice, and assess resources that support students and schools. In their breakout session, Carolyn Cherry, MDE's Part B Data Manager, and Ed O'Connor from the Midwest Instructional Leadership Council, discussed considerations for determining what data is meaningful and how to mobilize that information to support student success. Ed challenged groups to consider the volume and uses of assessment in their districts, whether assessments produce useful information, and whether the data being gathered is accessible and used effectively. He stressed that effective schools create routines and structures to review data regularly, using data to evaluate action plans and outcomes. Carolyn shared insights and reflections about MDE's data decision-making process in the development of the SSIP and how this information will support future decision-making and capacity building with districts to improve results at the local level. She emphasized that, especially in the case of the SSIP, collecting and analyzing 'data' isn't just about looking at student test scores. Using data includes analyzing infrastructure systems to determine current conditions and identify improvements needed to better build capacity or gathering qualitative data to better understand student and staff needs. Overall, the state and school districts need data systems that help evaluate implementation, fidelity and outcomes.

On Friday, Alan Coulter, joined by our own Kim Gibbons, Executive Director of the St. Croix River Education District, reflected on what they learned from the previous two days of listening and observing. They re-emphasized the importance of effective implementation in achieving significant student outcomes. Implementation is the HOW, WHO and WHERE of making full and effective use of quality interventions in practice and is often overlooked in the roll out of new initiatives. Evidence-based programs are interesting but not much help unless they can be put into practice and produce the same good results. This requires that we spend adequate time in the "planning" phase rather than the "doing" phase.

We ended our travels through RDA with the team from MDE sharing stories of how they were individually impacted by their work with schools and students. Supporting

districts in their work of improving results was reported as rewarding, powerful and meaningful. It is critical that stories on these effective partnerships be developed and disseminated in multiple formats so that stakeholders are aware of the positive impacts on families and students.

The road to achieving meaningful outcomes for students with disabilities is not new to special education leaders, but perhaps we now have better GPS to get us there. We have been driving through Compliance Land for a long time and maybe, just maybe there is a better route. We are hopeful that if school districts and our MDE partners go on the RDA journey together, we will finally reach our destination. ●

2015-2016 Election Results

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

Mary Clarkson, Executive Director of Special Programs for Richfield Public Schools, has been elected the 2015-2016 MASE President-Elect. As president-elect, Mary is excited to provide leadership in the organization through collaborating and building strong relationships with partner organizations, and supporting and growing new special education leaders.



Mary Clarkson
Executive Director
Special Programs
Richfield Public Schools

Ms. Clarkson has served Richfield Public Schools since 2013, previously serving the Anoka-Hennepin School District as the Director of Special Education, and Rosemount-Apple Valley-Eagan School District as a Special Education Supervisor. Ms. Clarkson currently sits on the Board of Directors and many committees.

Lori Fildes, Director of Special Services for Wayzata Public Schools, has been re-elected to serve a two-year term as MASE Treasurer. Ms. Fildes has 20 years administrative experience and has been an active MASE member for many of those years, serving in leadership roles as the Professional Development Committee Chair and CASE liaison.

MNSELF President **Claudine Knoblauch**, Education Consultant and formerly with Minneapolis Public Schools has been elected as MASE Retiree Representative.

Recruiting and Retaining Special Education Teachers *We Can't Survive a Drought by Wishing for Rain!*

By Dustin Hinckley
Special Education Supervisor
Bemidji Regional Interdistrict Council

Starting out my window at our seventh straight day of rain, it's hard to believe that just two weeks ago we were in the highest level of fire alert due to drought. Dried kindling sparked fires across northern Minnesota, with fire engines racing past our offices multiple times per day. Government officials quickly jumped into action: raising the level of alertness and alarm, placing burning restrictions, and building contingency plans for maintaining firefighting capacity. What we didn't hear much from these officials were complaints about the lack of rain.

Apparently, these officials had realized that while wishing for rain is a natural part of living in drought conditions, it is not what will allow you to survive. Also, admiring the water shortage would not get them any closer to solving the problem it created. We may need to take a page from their playbook. A well-defined shortage of special educators has existed in Minnesota for at least 20 years. And yet, it feels like we continue hoping a special education raincloud will come and drop highly-qualified teachers from the sky. We are not going to survive this drought by wishing for rain!

For a number of years now, MASE has included elements of a recruitment and retention strategy in its Legislative platform, including a plank that states: "MASE supports proactively addressing current and future demands of districts for qualified, licensed special education professionals. . ." However, applying pressure to legislators and agencies such as the Board of Teaching has yet to yield significant results in either putting out our fires or bringing us rain. While this work is important and definitely raises the level of alertness and alarm, individual districts need to develop additional strategies if they have any chance of surviving the drought.

What are some tools to include in our drought-survival kits?

Shortage prevention. First, we can do the equivalent of placing burning restrictions: stop the shortages in our own schools before they start. This is about retaining the high-quality staff we already have so we don't end up with even more fires. Developing strong mentoring and induction programs for special educators is a research-supported strategy for retaining staff. One proposal would be a position dedicated to being a Special Educator SAFE-T NET (Support, Advocacy, Focus, Encouragement, and Teamwork for New and Emerging Teachers). Having a veteran special educator provide mentoring and coaching during the first one, two, or three years of a special educator's career seems like a strong way to retain staff and prevent those additional fires.

Contingency plans. Second, we can build contingency plans for maintaining our own firefighting capacity. Rather than continually searching for the elusive candidate, this strategy is related to the "grow your own" movement. Are there paraprofessionals in district who have the dispositions and qualities we would look for in a high-quality special educator? If so, are there ways to encourage and support those people in working toward their licensure — perhaps even before an opening exists? The return on investment when a dedicated employee is provided incentives to increase their own skills and involvement within a district has been shown to be an effective way to build and maintain capacity.

Attention to climate change. Finally, we can begin to address what seems to be one root cause of both kinds of drought: climate change. The climate in special education, even in the past five years, seems to have tanked. We have collectively not done the climate any favors. Reflect upon the ratio of complaints versus compliments we hear about our profession right now, and it isn't difficult to deduce why some of our most likely candidates are shying away from entering the ranks of special education teachers. Perhaps most dismaying, it is frequently we who are doing the complaining!



Dustin Hinckley
Special Ed Supervisor
Bemidji Regional
Interdistrict Council

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The Relationship Between Formative Assessment and Special Education

By Jean Duffy

Director of Curriculum and Instruction
Becker Public Schools

Nan Records

Director of Special Education
Sherburne-N.Wright Special Education Co-op

With the last reauthorization of IDEA, a new world of acronyms emerged: RTI, MTSS and UDL, to name a few. Instruction became a focus and how exciting. One of the authors, a veteran director of special education, focused for many years on overseeing special education programs and staff through the very narrow lens of monitoring and compliance, due process requirements, and problem-solving challenging student and staff issues. Sadly, little emphasis was put on instruction. IDEA however, has challenged us as leaders in both Special Education and Curriculum and Instruction to collaborate on efforts to build a system in which all students can be successful. One of the issues we have tackled is the relationship between formative assessment and special education.

The use of formative assessment in special education holds great promise for student achievement (Hattie, 2008). Formative assessment is typically described as assessment for learning and includes the myriad of methods teachers use to check for understanding as they teach. Formative assessment should *inform* instruction by providing feedback teachers can use to make meaningful adjustments in teaching. This distinguishes it from summative assessment, or assessment of learning, which happens at the end of a period of instruction. Referring to the results of their 1986 seminal meta-analysis, Black and Williams (2010) assert: "innovations that strengthen the practice of formative assessment produce significant and often substantial learning gains" (p.7). Bailey and Heritage (2008) conclude: "effective formative assessment could yield improvements in student achievement by 0.4-0.7 standard deviations with the largest gains being realized by low achievers" (p.43).

Formative assessment is most effective when combined with clear learning goals or outcomes and used to provide feedback to students. The power of students understanding the intended goal of instruction and their own progress toward that goal cannot be underestimated (Hattie, 2009). For special education students, these goals may be standards-based classroom goals or the IEP goals that are developed for each student's particular needs. Hattie (2009) states that even setting difficult goals can be effective because they "lead to a clearer notion of success and direct the student's attention to relevant behaviors or outcomes, whereas 'doing your best' can fit with a very wide range of goals" (p.164).

Formative assessment should inform instruction by providing feedback teachers can use to make meaningful adjustments in teaching. This distinguishes it from summative assessment, or assessment of learning, which happens at the end of a period of instruction.

This combination of setting goals and using formative assessment to provide feedback to students brings the teacher and student into partnership; it allows teachers to be facilitators of learning and engages students as partners in the learning process. However, it is also important to note that teachers need to be intentional in preparing students to respond in the new learning environment. (Duckor, 2014) explains: "unfortunately, the literature on formative assessments provides few accounts of the culture shock many students experience when they're expected to learn in the new and perhaps puzzling manner" (p.29).

To build capacity for our staff, Instructional Leadership is a standing agenda item on our bi-weekly Special Education Coordinators meetings with the Director. Ideas for practical application of instructional strategies such as formative assessments are, in turn, shared with special education staff at the coordinators monthly building meetings with teachers. Working with staff to use at least one formative assessment technique daily enables them to assess the quality of learning for each student. Effective formative assessments should be short and easy to administer frequently. Consider, for instance, the use of exit slips, graphic organizers, teacher observation, effective questioning, or response logs to obtain daily or weekly information. In Becker Public Schools, teachers also use exciting new technology tools such as Kahoots, Socrative, Quizizz, and Edmodo to gather timely data.

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Clearly there are many innovative administrators implementing all kinds of strategies to recruit and retain special educators across the state. These are just three areas for us to focus on as we continue to put out our staffing-shortage fires. Hopefully as more and more strategies are found to be successful, they will be shared and scaled up so that all of Minnesota can weather this drought! ●

Formative Assessment, from page 13.

These efforts to build the capacity of special education teachers, who work with our highest needs students, should be supported and integrated into the continuous improvement activities of the district. When referring to the challenges of implementing new teaching practices, Black and Williams (2010) conclude that the process of changing teaching strategies is "a relatively slow one and takes place through sustained programs of professional development and support" (p.17). It is therefore incumbent on district leadership to focus efforts on research-proven strategies. Instructional leadership is the job of all leaders, and collaborative efforts are more likely to be successful. Our special education students deserve nothing less. ●

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October 21-23, 2015
 Cragun's Resort, Brainerd

Mark your calendars today for the
 annual MASE Fall Conference!

2015

- Thursday - Friday, June 18-19
MASE Board of Directors Retreat, Minneapolis
- Monday, September 7
Labor Day Holiday - MASE Offices Closed
- Friday, September 11
MDE Directors' Forum, St. Paul
- Friday, September 25
MASE Leadership Issues, Sauk Rapids Gov't. Center (formerly MASE Rural Issues)
- Thursday or Friday, October 5 or 6 (TBD)
Annual School Law Seminar, Minneapolis
- Monday - Tuesday, October 15-16
Education MN Conference, St. Paul
- Wednesday - Friday, October 21-23
MASE Fall Leadership Conference, Cragun's
- Wednesday - Friday, November 18-20
CLM Fall Conference, Cragun's
- Thursday - Saturday, October 29-31
CASE Annual Conference, Atlanta, GA
- Thursday - Friday, November 26-27
Thanksgiving Holiday - MASE Offices Closed
- Friday, December 4
MDE Directors' Forum, St. Paul
- Thursday - Friday, December 24-25
Winter Holiday - MASE Offices Closed

2016

- Friday, January 1
Winter Holiday - MASE Offices Closed
- Friday, January 15
MASE Leadership Issues, Sauk Rapids Gov't. Center
- Thursday-Friday, March 10-11
MASA/MASE Spring Conference, Brooklyn Park
- Friday, March 25
Spring Holiday - MASE Offices Closed
- Wednesday - Saturday, April 13-16
CASE CEC, St. Louis, MO
- Friday, April 22
MASE Leadership Issues, Sauk Rapids Gov't. Center
- Wednesday - Friday, May 4-6
MASE Best Practices Conference, Madden's
- Monday, May 30
Memorial Day Holiday - MASE Offices Closed