



IMPACT

1884 Como Avenue • St. Paul, MN 55108 • (651) 645-6272 • members@mnasa.org

Summer 2021

We continue growing

As I reflect on the past year, I am so amazed at the strength of MASE. I have learned so much about MASE and our members. I believe we have come a long way as an organization in the past year, and I believe we will continue to grow as we move forward with so much learned in the past year.

This year MASE has become an even more respected organization. John Klaber, our Executive Director has gained the respect of many across the state. He is a go-to resource for MSBA, MASA, MREA, and other organizations. We have been asked to sign off on an amicus brief related to ISD 283 v. E.M.D.H. which is being appealed to the United States Supreme Court. MASE, MASA, and MSBA are submitting an amicus brief relating to ISD 276 v. M,L,K. which is going to the Eighth Circuit Court of Appeals. The fact we were approached for these has demonstrated the respect of others who see us as a "go to organization". If your school district has a "hot" case, please reach out to John Klaber to make sure MASE is aware of how we can support you and your school

district.

Our Business Partnerships help us work closely with companies that help us support students. We have added several business partners this year. Six of our business partners sponsored a Slice of Collaboration, giving us an opportunity to hear about how we can work together even more. Please consider asking a business you work with to join MASE as a business partner and consider having one of our business partners attend your regional meetings.



Sarah Mittelstadt
Director of Special Services
Southern Plains Education
Cooperative
MASE President

I have always known that we have great MASE membership, but we have experienced an increase of 82 members in the past year and now are 515 members strong! Make sure you renew your membership; an email came on June 3 from Deb Larson. Also, consider encouraging others you work with to join MASE as well. Teachers on special assignment can join as associate members. If you have anyone around you that is working on their director license, encourage them to join as a student member; the dues are only \$35 per year.

There are many members reaching out, asking how they can help and wanting to become more active. With more active committees and subcommittees, it is exciting to see how much more we can do to support our members. Please consider signing up for a committee by August 1 at <https://forms.gle/aZWMEaS9FyceEbGTA>. Committees are a great way to build connections with other members and guide the direction of our organization.

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We continue growing continued on page 5.

Special thanks to our 2020-21 MASE Business Partners!

The MASE Business Partnership program strengthens the ties between MASE members and their collaborative partners in the public, private and non-profit sectors. Our goal is to advance the field of special education and improve student outcomes with an emphasis on proven, evidence-based practices.

Platinum Business Partner Membership

eLuma Online Therapy
Family Achievement Center, Inc. (Related Service Provider)
Grand Canyon University
Kennedy & Graven, Chartered
Kraus-Anderson
ReadySign
SpEd Forms
Strategic Staffing Solutions
TeleTeachers, Inc
Trafera

Gold Business Partner Membership

Knutson Flynn & Deans P.A.
Ratwik, Roszak & Maloney, P.A.
Rupp, Anderson, Squires & Waldspurger, P.A.
Sourcewell

Silver Business Partner Membership

Baker Tilly US, LLP
CAREI
Invision Services, Inc.
Pemberton Law, PLLP
Transition Assessments and Curriculum
UCP/Infinitec
University of St. Thomas Department of Special Education

2021-22 Membership Renewal!

As we close this school year, we at MASE — our leadership and staff — hope you and your communities are well and safe. We would like to remind you that we are here for you. We would also like to thank you for being a part of your professional association. It is always important to engage with your professional community, but in times like these it is especially crucial to have a strong community of support.

New this year! MASE has had inquiries from colleagues in other states who would like access to MASE benefits such as communication and professional development.

MASE Associate Out of State Membership

Associate Out of State Membership is open to any person working in a state other than Minnesota who is actively engaged in or associated with any phase of special education leadership. This non-voting membership permits members in good standing to attend all MASE meetings, workshops and seminars; receive MASE publications; and serve on MASE committees. This membership category will be offered at a cost equal to the cost of an in-state Associate membership."

As always, if you have questions or need assistance, contact the association offices at members@mnasa.org, 651-645-6272, or 1-866-444-5251 (toll-free).

To renew your membership(s)

- Go to: https://events.resultsathand.com/masa_masemembership/1346
- Select your membership from the top of the page.
- Are you new to MASA / MASE?: Select "No, I am a returning member."
- Enter your 2020-21 email address
- Enter your 2020-21 member password

Note: Renewing members received an email on June 3 with membership log-in information from deb.larson@mnasa.org.

You will then see your membership form with all the fields already populated. From here you can see your membership data for the 2021-22 school year, make any needed changes, and enter your payment for your dues.

You may use a credit card, PayPal, or choose "invoice me," in which case an invoice will be automatically emailed to you.

We look forward to serving you in the coming year!

EXECUTIVE *notes*

You made it...the 2020-21 school year is mostly in your rearview mirror. There is still planning and delivering on summer programming whether it is extended school year, compensatory education or COVID jump-start. Hopefully fall programming will look more like a typical school year, but there will certainly be bumps in the road. But you've got that and if you had any questions or doubts the twice a month SLICE gave you extra guidance. While SLICE was a result of the stressors that we wanted to address due to COVID, I can easily say that it may be the best thing that we have done to support our members in my tenure at MASE. A special shout-out to our President Sarah Mittelstadt who got the ball rolling, to our treasurer Scott Masten who helped line up business partner sponsors and to the many others who stepped up to share their knowledge and expertise with our members. There were times when more than 250 of our members tuned in and participated in SLICE. I also want to recognize Nan Records and Erin Toninato for the support that they are providing to our members via the Mindful Minutes. Please take advantage of the MASA and MASE Mindfulness and Meditation Group. Finally you can look forward to a summer book study of Brene Brown's Daring to Lead facilitated by Holle Spessard and Amy Ernst.

Please allow me to take a moment to talk about our aspiring special education administrators and their preparation. Specifically, I would like to take this opportunity to reach out to those of you who share your knowledge and expertise with aspiring special education administrators. Whether you are an adjunct professor, lecturer, part-time professor, or full-time faculty, I want you to encourage (require?) your students to become members of MASE. Why would they not? It's only \$35 compared to the thousands of dollars spent on graduate coursework. Were you aware that of the five recipients of the 2021 Stenswick-Benson scholarship, all of whom were seeking special education director licensure, only one was a MASE member? I wasn't and I found it disconcerting. As

an organization, we will be reaching out to the colleges and universities that offer special education director licensure programs, but I am taking this opportunity to speak directly to you, our members, who serve as trainers encouraging you to make [MASE student membership](#) a priority.



John Klaber
MASE Executive Director

In this message, I typically take the opportunity to reflect on yet another year as your Executive Director. I'll keep it short. We were active in the legislature, engaged and improved on our relationship with our national partners, CASE. We signed on to a couple of amicus briefs supporting school districts in Minnesota. We provided input to MDE initiatives ranging from programming to finance. We increased the number of Tier 3, now known as Platinum, MASE Business Partners. Most importantly, we (Mia Urick and our staff) delivered two virtual conferences and continued our outreach and support to our members. Our office staff continued working from home. They juggled necessary time and activities at the office to ensure social distancing. Our Executive Committee continued to provide guidance and support as we lead MASE. We have seen an increase in the number of MASE members who have volunteered for various MDE committees and workgroups, including SLICE. We have been fortunate to continue to have a strong positive relationship with MASA and specifically with Executive Director Deb Henton. I wrote this last year: "Planning for the MASE Fall Conference has started with a focus on celebrating our organization's 50 years of service to students and families with disabilities in Minnesota". We are planning on an in-person conference and hopeful that the CASE leadership team will be present. We have also extended invitations to our senators, governor, assistant commissioner, and the commissioner.

Executive View continued on page 5.

MASE IMPACT Summer 2021

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2020-21 BOARD OF DIRECTORS

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Sarah Mittelstadt

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Tricia St. Michaels

Director of Student Services, N. St. Paul-Maplewood-Oakdale School District

Area H (18-22)

Deb Anderson

Director of Special Education, Prior Lake-Savage Area Schools

MASA Component Group Representatives:

Janell Bullard (19-21)

Executive Director, MAWSECO

Renae Ouillette (17-23)

Executive Director of Student Services, Lakeville Area Public Schools

Retiree Representative (17-21)

Nan Records

National CASE Liaison (18-22)

Cheryl Johnson

Executive Director, Goodhue County Education District

MNCEC Liaison (13-21)

Marcy Doud

Assistant Superintendent of Specialized Services, Saint Paul Public Schools

Executive Director

John Klaber

We continue growing from on page 1.

Our regional MASE groups are certainly a valuable way to make connections and have support in this job that can sometimes be very lonely. Next year the MASE board is asking each of the regional teams to come up with a goal for your region to help continue to build on the strength of MASE and support to our members.

This year we have all learned how much we can do in a virtual format. It is exciting to see how much more we will be able to collaborate and work together as we move on when our lives are not filled with contact tracing and vaccine allotments.

Next year we will be celebrating 50 years of MASE! We have come so far in the past 50 years, and I am excited to see how far we can go in the future. BUT...I am even more excited about getting together, in person, to celebrate our survival of the pandemic and 50 years of success as an organization. See you all in Brainerd! ●

Executive View from page 4.

Finally, a special thank you for their yeoman's effort to support our members goes out to:

Sarah Mittelstadt, President

Jamie Nord, President-Elect

Cheryl Hall, Past President

Dena Hagen, Secretary

Scott Masten, Treasurer

Brad Lundell, MASE Lobbyist

Mia Urick, Director of Professional Learning

Dave Christians, Associate for Leadership Support & Communications

Stephanie Kastanos, Associate for Accounting and Events

Jeanna Vohnoutka, Associate for Leadership Support, Web Site Publisher

Deb Larson, Associate for Data Management

Please take some time for yourself and your families. I will once again remind you that you have the wonderful benefit of being part of an organization that stands ready to support and serve you. You are fortunate to be a member of MASE.

Stay well and looking forward to seeing you without a mask! ●



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MASE Election Results

Congratulations to the following 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!

President-Elect (21-22)

Marcy Doud, Assistant Superintendent of Specialized Services, Saint Paul Public Schools

Treasurer (19-23)

Scott Masten, Director of Special Education, Lake Agassiz Education Cooperative

Retiree Representative (21-23)

Jill Skarvold, MASE Retiree



Marcy Doud
Assistant Superintendent of
Specialized Services
Saint Paul Public Schools
MASE President-Elect

Area A (Region 8) (21-22)

Eva Pohl, Director of Special Education, PAWN Special Education

Area B (Region 7) (21-23)

Brian Yuretich, Executive Director, Northland Learning Center

Area G (Region 9E) (21-23)

Sara Lein, Director of Special Programs, W. St. Paul-Mendota Hgts.-Eagan Area Schools

MNCEC Liaison (ex officio) (21-23)

Christian Wernau, Low Incidence Facilitator, Zumbro Education District



Scott Masten
Director of Special Education
Lake Agassiz Education
Cooperative
MASE Treasurer Nominee

MASE Business Partnership Renewal

Once again, renewing your business partnership membership will be even easier because we are continuing to use the online platform for your renewals! You can renew your membership online at this link: <https://events.resultsathand.com/maseapp/1359>. Simply click on the "membership form" tab on this page and you can arrange and pay for your membership. MASE offers three tiers of membership, and each level of partnership and the related benefits are described on the form.

MASE also has a strong presence on a national level, through our participation in the National Council of Administrators of Special Education (CASE) and through MASE's Federal Advocacy Committee.

We sincerely hope that you will renew your business partner membership! If you would like a reminder of your current membership level, you can check on our web site at <https://www.mnase.org/20-21-business-partnerships>, or call our office (651-645-6272). For those of you who are interested in arranging your newsletter advertising, note the advertising link on the online page as well. Business Partners receive discounted advertising.

President**Jamie Nord**

Executive Director
St. Croix River Education District
425 South Dana Avenue
PO Box 637
Rush City, MN 55069
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President-Elect**Marcy Doud**

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Past President**Sarah Mittelstadt**

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Executive Director
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southernplainsedcoop.org

Secretary (20-22)**Dena Hagen**

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Esko, MN 55733
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dhagen@nlsec.org

Treasurer (19-23)**Scott Masten**

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Area Representatives:**Area A (Region 8)**

Even Year Election (21-22)

Eva Pohl

Director of Special Education
PAWN Special Education
PO Box 193
Park Rapids, MN 56470
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epohl@parkrapids.k12.mn.us

Area B (Region 7)

Odd Year Election (21-23)

Brian Yuretech

Executive Director
Northland Learning Center
1201 13th Avenue South
Virginia, MN 55792
Phone: 218-471-1040
byuretech@northlandsped.org

Area C (Region 4)

Even Year Election (20-22)

Michelle Bethke-Kaliher

Director of Student Support
Services
Alexandria Public Schools
1410 South McKay Avenue
Suite 201
Alexandria, MN 56343
Phone: 320-762-2141
mkaliher@alexschools.org

Area D (Region 5 & 6)

Odd Year Election (20-23)

Amy Ernst

Director of Special Education
Buffalo-Hanover-Montrose
Schools
214 1st Avenue NE
Buffalo, MN 55313
Phone: 763-682-8721
aernst@bhmschools.org

Area E (Region 3)

Even Year Election (19-22)

Melissa Hanson

Director of Special Education
SWWC Service Cooperative
2001 William Avenue,
Suite 140A
Montevideo, MN 56265
Cell: 320-905-3581
melissa.hanson@swsc.org

Area F-1 (Region 2)

Odd Year Election (20-23)

Erin Toninato

Director-Region 9
SC Service Cooperative
2075 Lookout Drive
North Mankato, MN 56003
Phone: 507-389-1914
etoninato@mnsccsc.org

Area F-2 (Region 1)

Even Year Election (16-22)

Robert Dehnert

Director of Special Services
Faribault Public Schools
710 17th Street SW
Faribault, MN 55021
Phone: 507-333-6002
rdehnert@faribault.k12.mn.us

Area G (Region 9E)

Odd Year Election (21-23)

Sara Lein

Director of Special Programs
W. St. Paul-Mendota Hgts.-Eagan
Area Schools
1897 Delaware Avenue
Mendota Heights, MN 55118
Phone: 651-403-7000
sara.lein@isd197.org

Area H (Region 9W)

Even Year Election (18-22)

Debra Anderson

Director of Student Support
Service
Prior Lake-Savage Area Schools
4540 Tower Street SE
Prior Lake, MN 55372
Phone: 952-226-0033
danderson@priorlake-savage.k12.mn.us

Retiree Representative

Odd Year Election (21-23)

Jill Skarvold

MASE Retiree
Phone: 218-770-1112
jskarvold@gmail.com

Other Representatives:**MNCEC Liaison (ex officio)**

Odd Year Election (21-23)

Christian Wernau

Low Incidence Facilitator
Zumbro Education District
801 Frontage Road NW
Byron, MN 55920
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cwernau@zumbroed.org

CASE Liaison (ex officio)

Even Year Election (18-22)

Cherie Johnson

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MASA Component**Group Representatives:****Renae Ouillette (17-23)**

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Janell Bullard (19-22)

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Director of Professional
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1884 Como Avenue
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mai.urick@mnasa.org

Legislative Consultant**Brad Lundell**

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Phone: 651-220-7459
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21-22 Committee Chairs:

Nominations:

Cheryl Hall (21-22)
chall@northfieldschools.org

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Sarah Mittelstadt (21-22)
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southernplainsedcoop.org

Melissa Hanson (20-22)

melissa.hanson@swsc.org

Jeff Jorgensen (21-23)

jeff.jorgensen@edinaschools.org

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Chairs:

Melanie Kray
mkray@swmetro.k12.mn.us

Holle Spessard

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Membership Co-Chairs:

Diane McCarron
diane.mccarron@gmail.com

Kori Ryan

kryan@indigoed.org

Strategic Planning Chair:

Marcy Doud
marcy.doud@spps.org

Business Partner:

Jamie Nord
jnord@scred.k12.mn.us

Scott Masten

smasten@lagassiz.com

John Klaber

jpklaber@gmail.com

Fundraising Subcommittee:

Keith Erickson
kerickso2310@gmail.com

Chad Williams

cwilliams@isd717.org

My usual update in this edition of the newsletter contains a summary of the legislative session and a description of the various funding and policy initiatives contained in the omnibus education funding and policy bill. Not so this year as the Legislature adjourned without passing most major budget bills and we await the beginning of a special session at which the bills will be revisited. Negotiations are taking place on all of the work left unfinished by the Legislature in 2021 and the goal is clearly to be finished by the beginning of the next fiscal year, which begins on July 1. Finishing by that date is extremely important this year because the Supreme Court has ruled that it will not allow a "soft" shutdown as was implemented in 2011 when a wide range of state services continued to be funded. This shutdown would be much harsher with a much narrower set of services exempted. It should be noted that a large portion of school funding—particularly the basic formula and special education funding—would continue to flow to school districts, but many other aids would not.

There was not a lot of attention on special education issues this session. The state was projecting a considerable deficit when the session began in January, which limited the scope of Governor Walz's proposed budget. The primary special education funding initiative in his budget is a proposal to keep the special education cross-subsidy from expanding further. This provision was included in the House's omnibus education funding and policy bill, but not the Senate's, and it remains to be seen whether the budget targets—which were set before the end of the regular session—will be able to accommodate this request. The budget target for the education conference committee is \$525 million (\$675 million for the next biennium) and if the Legislature and Governor were to agree to put 2% on the basic formula in each of the next two years, that would absorb three-quarters of the target, leaving little room for special education, preserving the existing voluntary pre-kindergarten slots, increasing the English Language categorical formula, and programs to increase the number of teachers of color in Minnesota schools.

The education conference committee did approve several policy provisions in the area of special education and it is believed that all of those decisions will be included in the final education bill considered during the special session. One of these

provisions would require the Commissioners of Education and Human Services to develop recommendations that would allow school social workers to receive third-party reimbursement through Medicaid for services they provide as part of an IEP. While this provision does not go as far as MASE proposed in legislation in 2021, it does constitute progress as those who oppose

the measure will have to come to the table and work toward the resolution of the issue. The other special education-related proposal to be approved by the conference committee lays out district expectations for dealing with special education students whose learning has been delayed by the pandemic. This is not to be confused with a bill heard in the House earlier in the session that would have allowed students who would "age out" from an 18-to-21-year-old transition program to continue for one more year.

There is one provision of interest to special education that is in the Senate bill that was not approved by the conference committee during the regular session that may still be discussed and that is the provision relating to the presence of private duty nurses in schools to work with medically fragile students. MASE was heavily involved in developing the compromise language that is currently in the Senate bill and the bill is not nearly as daunting as it was when it first appeared on the legislative radar in 2020.

I want to thank MASE leadership for their guidance throughout the 2021 session. It has been a trying session, but when I think of the challenges education providers throughout the state have faced during the pandemic, the trials pale by comparison. I always received the input I needed from the field and I never had a problem finding a MASE member willing to work with advocates and legislators on finding language that works for all parties. I will certainly provide an update once the special session has concluded and I always welcome your questions and comments. I can be reached at 612-220-7459 or lundelllegislative31@gmail.com. Thanks again. ●



Brad Lundell
MASE Lobbyist

MASE

retirements

Krin Abraham, Superintendent, Houston Public Schools

Nancy Anderson, Assistant Director of Special Education, Paul Bunyan Ed. Cooperative

Alicia Jepsen, Executive Director, Benton-Stearns Education District

Gary Jones, Director of Special Education, Hiawatha Valley Ed. District

Cindy Loe, Director of Special Education, MN Valley Cooperative Center

Debra Stoll, Director of Special Education, SW Central Service Cooperative

Thank you for your service to education and congratulations on your retirement!

Are You Moving in 2020-21?

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 fill out this online form to let us know if you will be moving positions or districts for the 2021-22 school year!

MASE Transitions Online Form: <https://forms.gle/Se48RhNPPhLpGDPB6>

If you have new colleagues in your area who are not MASE members, please let deb.larson@mnasa.org know and we will send membership information to them.



CASE Annual Fall Conference

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A photograph of four children (three boys and one girl) gathered around a table, looking at an open book together.

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Because Politics is Personal

Cheryl Johnson, Executive Director, Goodhue County Education District, CASE Liaison

Thirty years ago, I was a student in a college class titled Social Movements and Grassroots Organizing. Having grown up in a small Minnesota town, my experience with politics was ... limited. Oh sure, I knew the School House Rock Song - by now I've lost more than a few of you but my point is coming - hang in there.

The professor began the first class describing how he was arrested years earlier protesting at a bank that was foreclosing on farmers. I understood that story. His stories were captivating and personal. There was no doubt in my mind that he could accomplish anything he set out to do. He had us all believing that changing the system was possible; that changing the system begins not somewhere else but with each of us, our voices, our stories, our beliefs.

The first lines of his book, [The Conscience of a Liberal](#), illustrate his conviction for sharing the stories that needed sharing and for listening and banding together to make the difference we can.

"There is one lesson I have learned that I hold above all others from my experience as a father, teacher, community organizer, and U.S. Senator: We should never separate the lives we live from the words we speak. To me, the most important goal is to live a life from the words we speak.

To me, the most important goal is to live a life that is consistent with the values I hold dear and to act on what I believe in."

By now, you probably know that I am talking about Paul Wellstone. His green bus and a "What would Wellstone do?" bumper sticker adorns my office.

They are reminders to me to be clear about what I stand for and to be brave enough, to have conviction enough, to make a difference.

I am challenging each of you to do three things this summer. I believe we have a unique opportunity to move our work forward in Washington. The support for students with disabilities is perhaps the strongest it has ever been with our current Minnesota Senators and Representatives. If that fact, coupled with the new administration, doesn't give you the push you need to personally advocate, then there might not be

anything that does.

First, the next time a CASE Action Alert comes across your email, take 20 seconds (honestly, I have it down to about 12), open the email, click on the link, fill in your name and address, and hit send.

It is that easy. When that message comes from not one of us but from hundreds of us across the country into every Washington office, it will make a difference.

The next request is that CASE needs your stories. How are COVID-19 federal relief dollars being used to support the students with disabilities in your district? CASE continues to provide information to our legislators and communicate regularly with the Office of Special Education (OSEP). They need to share your stories as examples of the great work you are doing. Your Stories Make A Difference because they personalize the need for additional funds and how the funds are used to provide services to students with disabilities. Thank you in advance for sharing. [Share Them Here!](#)

Lastly, consider taking part in the SELS, the 2021 Special Education Legislative Summit. Although this is typically held in Washington, D.C., the COVID-19 pandemic means that the summit will again be virtual. It will be held the week of July 19-23, 2021. There is no cost for CEC and CASE members.

If you haven't had the chance to attend in the past, I encourage you to take advantage of this opportunity. Speakers will address the current status of issues and funding related to COVID-19 and prepare us to meet with our Members of Congress during virtual office visits. SELS Team Leaders and experts from the field will provide updated news and information about the key issues impacting special educators across the country including legislation, appropriations, mental health, educator shortages, and more. Finally, there will be opportunities to improve your advocacy skills with the experts. Learn from people who have done this work before about how to sharpen the message you bring to Members of Congress to advocate

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for infants, toddlers, children, and youth with exceptionalities. Virtual SELS will give you the support you need and many ways “to meet” with a member to make a difference.

Last year Team Minnesota had 28 participants. [Join us and share your stories](#) - make a difference! ●



The Stenswick Benson Scholarship Award Program began in February of 1991 through MASE (Minnesota Administrators for Special Education). Its purpose is to recognize the legacy of the many leaders within Special Education represented by Ellsworth Stenswick and Loren Benson through a scholarship award to an individual completing exemplary graduate study in the field of special education.

Our scholarship committee has been busy! We had 28 applications this year. Committee Chair Shannon Erickson says, "Our committee is awesome, and we have our selections made."

This year one of our scholarships is awarded in memory of Candy Malm, retired director of PAWN Cooperative, who passed away last January. Candy was the Scholarship Committee Chair for years and the fund received a number of donations in her memory.

The 2021 recipients are:

Jennifer Danielson

In Memory of Candy Malm

St. Croix River Education District, Director License, Hamline University

Katherine Snyder, Inver Grove Heights Schools, Director License, Minnesota State University Mankato

Tracy Ogren, Robbinsdale Area Schools, Director License, Minnesota State University Mankato

Jennie Sorenson, Mounds View Public Schools, Director License, Hamline University

Montana Peters, Sartell-St. Stephen Schools, Director License, St. Cloud State University

Thank you to the Scholarship Committee members for their thoughtful work in reviewing the applications and selecting the recipients:

Shannon Erickson, Committee Chair, Director of Special Education at Fergus Falls Area Special Education Coop

Keith Erickson, Retired Director and Fundraising Committee Co-Chair

Jill Skarvold, Regional Low Incidence Facilitator, Region 4

Eva Pohl, Director of Special Education at PAWN Coop

Kori Ryan, Director of Special Education at Indigo Education

Chad Williams, Special Services Director at Jordan Public Schools and Fundraising Committee Co-Chair

RESEARCH TO *practice*

To Retain or Not Retain? That Actually Is Not the Question.

As the conclusion to a very trying year has come to pass, and we turn our focus to summer school and next fall, there are likely lingering wonderings among educators and parents: Did [insert student name] learn enough to go to the next grade? While the question is understandable, it is important to situate this question in two important contexts. The first: a global pandemic. As individual teachers and parents worry about individual students, and educators and leaders worry about groups of students, we need to remember that ALL kids lived through this time and thus it is not as if only some were disrupted. The second context we must consider is what we know about retention; the research on retention as a practice is abundantly clear: it is not in the long-term best interest of students. It is this topic – retention – that we feel it important to discuss in this article so that when we are faced with these decisions at a policy or even an individual student level, we are entering these discussions grounded in sound research.

What is Retention?

Retention is the practice of requiring students to repeat or remain in a given grade level for an additional subsequent school year, or waiting to enroll students into kindergarten past the time when they are age-eligible (e.g., “repeating a grade,” “being held back,” “flunking”). Many families and school teams retain students based on the belief that children will learn more academically or develop further social-emotionally by repeating a grade (Krier, 2012; Fait, 1982). Retention continues to be a controversial instructional decision that is considered, and debated,



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for students across all grade levels despite decades of research indicating negative outcomes for students.

Retention is proposed for many reasons, including difficulty keeping up with grade level academics, immaturity or late birthdays, missing a lot of school due to absences, and/or limited English skills. The most common reasons for student retention are academic failure due to reading problems in the primary grades and failure to earn course credit during the high school years (Smirk, 2001). Some teachers and administrators are in favor of the practice, thinking that it allows students time to develop necessary skills (House, 1989; Hong & Yu, 2008; Krier, 2012; Hanover, 2013).

What Does the Research Say About Retention?

The majority of studies from the past five decades indicate that the practice of retention as a remedial intervention has resulted in limited to no evidence of improving academic outcomes and life outcomes for students (Hattie, 2009; Jimerson, 2001). In fact, recent research indicates that retention has a negative effect size averaging -0.16 across 207 studies (Hattie, 2009). This means that not only did retention not improve outcomes, it actually made outcomes worse. From a student's perspective, when rating the perceived trauma of stressful life events, sixth grade students rated grade retention as eliciting the same level of stress as losing a parent or going blind (Anderson, Jimerson, & Whipple, 2002; Jimerson et al., 2005). Other negative outcomes of retention include school dropout, negative peer relationships, lower self-esteem, and increased engagement in high risk behaviors (e.g., cigarette smoking, alcohol and



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drug abuse, early sexual activity, and violent behaviors (Canter, Carey, & Dawson, 1998; Jimerson et al., 2005). In fact, retention is a significant predictor of school dropout because students are 5-11 times more likely to drop out of school when they are retained (Hanover 2013; Jimerson et al., 2001). Furthermore, many educators and families advocate for retention because the student is “immature.” No evidence exists to support this argument and in fact, many retained students experience high levels of mental health concerns as they get older (Canter, Carey, & Dawson, 1998), which suggests that retention did not support students’ social-emotional development in the long term.

A few studies have found positive effects of retention; however, initial positive effects tend to diminish over time (Hughes et al., 2010; Tingle et al., 2012; Wu et al., 2008) and do not outweigh the long-term negative repercussions of retention. These temporary benefits can be deceptive, as teachers do not usually follow student progress beyond a few years (Anderson, Whipple, & Jimerson, 2002).

When considering the above research, note that these reflect averages across groups of students rather than individuals. Although there are individual stories of success, there is no way to determine for which students retention will work. However, there is a substantial body of evidence that suggests the high likelihood that students will experience negative effects.

What are Alternatives to Retention?

The research is clear that retention has not been shown to be an effective practice in promoting student success (Jimerson, 2001); retention has had the opposite effect on students’ academic achievement and life outcomes. However, the use of social promotion, which often results in advancing students to the next grade level without additional support, is not a recommended practice. As a replacement to social promotion and retention, schools should consider “promotion plus” strategies. The philosophy behind promotion plus is to develop an intentional support plan that consists of evidence-based interventions and considerations of the student’s history and background to ensure school success (Jimerson et al., 2005). There are multiple factors that contribute to students’ struggles in school, therefore, support plans must also reflect the multi-factor dynamics of students’ struggles.

Promotion plus strategies are recommended to operate within a multi-tiered system of supports (MTSS) framework. An MTSS framework allows schools to proactively identify students at risk of low performance and provide a continuum of supports (i.e., Tier 1, 2, 3) to meet the needs of all students. Below are strategies school leaders should consider when implementing an effective MTSS framework:

- It is essential to **establish comprehensive supports** that develop not only academic skills, but also social-emotional competencies. In fact, an integrated model that weaves together academics and social-emotional learning has shown to have greater positive impacts on student outcomes compared to isolated systems or standard school practices (Cook et al., 2015).
- Implement **early identification practices** that consist of utilizing universal screeners, applying clear data-based decision-making rules, and employing effective teaming structures that facilitate early interventions. This will prevent problems before they become severe and avoid the need to retain individual students.
 - Effective teaming requires teachers, administrators and support staff (e.g., school psychologists, social workers, guidance counselors) to work collaboratively. This also means partnering with families to understand a students’ needs from the family’s perspective and actively engaging families in the student’s school experience. Parents are vital partners, especially when students are receiving intervention supports.
- To support effective data-based decision-making, use **assessments that are valid and reliable** for its use (e.g., screening or progress monitoring), and for the student population of focus (e.g., high schoolers, English Learners). Moreover, students with severe needs who are receiving interventions should be **progress monitored frequently** and the data should be used to continuously inform the student’s instructional programming. See the [National Center on Intensive Intervention](#) for a list of valid and reliable assessments.
- To effectively promote positive student outcomes, **Tier 1 or core instruction must deliver high quality evidence-based instruction**, and target essential skills students need for success.
 - In the area of reading, effective core instruction consists of the science of reading

which includes systematic, explicit instruction in phonics and comprehension strategies (NRP & NICHD, 2000). In the area of math, this may include systematic, explicit instruction on properties of whole numbers and solving word problems (Gersten et al., 2009; NASP, 2020). In the area of social-emotional learning, this includes systematic, explicit instruction on mental health promotion (Splett et al., 2017).

- Effective communication between grade level teams and opportunities for teachers to work with colleagues from preceding and subsequent grades (e.g., vertical PLCs) would be essential to closing the gap for struggling students.
- Provide a **positive school climate** where students feel valued (NYASP, 2021). This may consist of integrating student voice (e.g., surveys) and promoting student agency (e.g., student advisory board) in school practices and policies. This may also include implementing culturally and linguistically responsive practices that are reflective of the student community.
- Students should have **opportunities to learn outside of the school day or school year** to continue supporting their growth. Schools may consider extending their school day or offering summer learning programs (Protheroe, 2007). Schools should also consider collaborating with community programs to provide enrichment, tutoring or mentoring opportunities. Most importantly, schools should collaborate and work closely with community agencies to ensure that students and families can easily access social services when in need (Jimerson et al., 2005).

What about Retaining Students with Disabilities?

If retention is considered for a special education student, the team should inform families about the research on the outcomes of retention at the Individual Education Program (IEP) meeting. As with all major decisions involving special education students, the decision to retain is made by that student's IEP team and on a case-by-case basis. A discussion should occur at the meeting regarding alternative supports and interventions to meet the student's needs. Teams must also evaluate the extent to which the student's current IEP (including a behavior intervention plan, when relevant) has

been implemented with fidelity. Often times educators will recommend a delay to the entrance of kindergartners, a practice called redshirting. This decision can actually delay access to a wider range of services and access to daily support. Additionally, special education students are entitled to transition services until they reach the age of 21. If a student is retained, the student loses a year of these services. No matter the age of the student, the loss of that year of transition services should be explained to the family and considered at the IEP meeting. In the rare case that an IEP team decides to retain a student, the decision needs to be documented on the Prior Written Notice, including the potential effects that were shared with the family, other options considered, and why the team came to that decision.

What Information Should be Shared with Families?

The information outlined above can and should be summarized and shared with parents and caregivers who are considering retention. Given the context of the COVID-19 pandemic, it may be efficient/effective to share this information with all families, as this is likely a topic on the minds of many. The National Association of School Psychologists (NASP) has also produced [this grade retention information sheet](#) for parents, which can be shared when appropriate.

Additionally, remind families that they have many insights that will be informative and essential to their student's individualized needs. They can help their student(s) avoid retention by:

- Advocating for their student's needs, while also sharing and emphasizing their student's strengths when talking to school staff
 - Note: Remind families that they have access to advocacy supports through organizations such as [PACER](#)
- Providing a time and place within the home for the student to complete homework
- Collaborating with teachers and other school staff to develop interventions and supports to meet their student's needs and identify opportunities to enhance learning across all school environments
- Frequently communicating with the school regarding concerns (e.g., academic, behavioral, social) as they arise
- Being informed of their student's assignments and homework as well as providing monitoring and assistance to support work completion

The First Amendment and Students with Disabilities

In its 1969 *Tinker* decision, the United States Supreme Court made clear that public school students have a First Amendment right to free speech in the school environment.¹ Specifically, the Court made the now famous statement that “students do not shed their constitutional rights at the schoolhouse door.” Since the *Tinker* decision, public school students’ right to free speech has been a topic that has garnered significant attention. When can a school district limit speech and when can it discipline a student for speech? And how does a student’s disability play into this equation?

Such questions recently arose in *Hewlette-Bullard v. Pocono Mountain School District*.² The lawsuit centers around the speech-related discipline of J.H-B., a public school district student diagnosed with Autism Spectrum Disorder and Tourette’s Syndrome who received special education services. Several of J.H-B.’s classmates reported to school officials that J.H-B. told them on school premises during school hours that he had a “kill list” with thirteen students on it, he intended to commit a mass shooting with guns he already owned, and that he made racist comments. A school investigation revealed that J.H-B.’s social media account included posts that referenced school shootings and used racist words. The public school district disciplined J.H-B. by excluding him from school for approximately two months. Utilizing *Hewlette-Bullard v. Pocono Mountain School District* as an example, this Article analyzes how a Minnesota school could have legally responded to J.H-B.’s statements.

The first thing educators must determine is whether the First Amendment right to free speech is implicated by the student’s speech. This is a critical inquiry because the right is not without limitation at school. The determination requires a two-part inquiry: whether the school is constrained by the First Amendment and, if so, whether the student engaged in “speech.” Regarding whether J.H-B. engaged in “speech,” the First Amendment’s protection covers all forms of “speech” including verbal

and nonverbal speech. Here, J.H-B. undoubtedly engaged in “speech” with his alleged statements to his classmates at school as well as in his posts to his social media account. As such, the school must consider the First Amendment in determining whether J.H-B. can be disciplined for his speech both on campus and via social media.

If a student such as J.H-B. engages in “speech” in the school environment, the second thing educators must do is ensure that they have the authority to discipline the student for the speech. The United States Supreme Court established that generally school districts have the authority to discipline students for their speech if the speech: (1) is reasonably likely to lead to a substantial disruption or material interference with school activities or an invasion of the rights of others;³ (2) is “plainly offensive” or promotes activities or products that are illegal for minors if so doing is reasonably related to a legitimate pedagogical concern;⁴ or (3) endorses or promotes illegal conduct.⁵ In addition, the Eighth Circuit—whose decisions are precedential in Minnesota— has held that “true threats” of serious physical harm are not protected by the First Amendment.⁶

Here, a Minnesota school district⁷ could almost certainly discipline J.H-B. for his “kill list” and threats of a mass shooting made on school premises during school hours because it likely



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constitutes a “true threat.” In fact, in a similar 2011 case *D.J.M. v. Hannibal Public School District No. 60*, the Eighth Circuit upheld the discipline of a student who stated he had access to a gun and would shoot everyone at the school, named five specific students he would “have to get rid of,” and stated he wanted his school to be known for something.⁸

The question of whether the school district can discipline J.H-B. for his social media posts is a more interesting question. Generally, a school may discipline a student for off-campus conduct that has a connection to or “nexus” to school.⁹ At the time of writing this Article, the United States Supreme Court is reviewing whether a school district can discipline a student for off-campus speech in *Mahanoy Area School District v. B. L.*¹⁰ In that case, the Court must determine whether a school district could discipline a high school student for venting about her school cheer team on Snapchat during the weekend while off-campus. The United States Supreme Court’s decision is anticipated this fall.

After educators determine that they have the authority to discipline the student for the speech, the educators should determine whether the student receives special education under an individualized education program (“IEP”) or has a Section 504 plan. If the student has an IEP or a Section 504 Plan, the educators should contact the student’s case manager, 504 manager or the director of special education to determine whether traditional school discipline is an appropriate action for the student.

Next, if the educators determine that traditional school discipline of the special education student is appropriate, the educators should ensure that the discipline is compliant with the IEP or Section 504 Plan and federal and Minnesota law. This Article focuses on three specific issues raised by the fact pattern in *Hewlette-Bullard v. Pocono Mountain School District*.

Initially, educators should consider the length of any suspension. The Individuals with Disabilities Education Act (“IDEA”) and Minnesota law generally allow students with disabilities to be suspended for up to ten days for one behavioral incident. J.H-B. was excluded for approximately

two months and this could be an unlawful suspension under State and federal law. A school district cannot unilaterally expel an IDEA-eligible student—or otherwise impose a disciplinary change in placement—for behavior that is a “manifestation” of their disability. For IDEA purposes, a change of placement occurs if: (1) a student with a disability is removed for more than ten consecutive school days; or (2) the student has been subjected to a series of removals that constitutes a pattern of removals. As such, if J.H-B.’s behavior leading to the discipline is related to or arose out of his disability, the exclusion for approximately two months violated the law. If, however, the behavior was not a manifestation of J.H-B.’s disability, the discipline may be compliant with the law as J.H-B. could be subjected to the same relevant disciplinary procedures applicable to children without disabilities. (Note that in Minnesota a suspension greater than 10 days would constitute an expulsion and the Pupil Fair Dismissal Act must be followed in such cases.)

J.H-B.’s parent sought to establish in federal district court that the approximately two months that J.H-B. was excluded was longer than the period any student without a disability had ever been excluded and thus, J.H-B. had been discriminated against based upon his disability. The federal court found that the school district did not engage in disability-based discrimination as there was no evidence that the school district’s discipline of the student was motivated by disability. Students with disabilities cannot be treated more harshly than their typical peers.

In addition, school districts cannot discipline students for their speech based on its content. For instance, in the context of social and political speech on clothing, courts have found that school districts violate the First Amendment by permitting students to advocate for one position, but prohibiting students from taking a contrary position.¹¹ Similarly, some courts have held that attempts to ban social or political speech, without providing evidence of substantial disruption, amounted to unconstitutional viewpoint discrimination.¹² As such, if students are allowed to protest or advocate for a position at school without being disciplined, other students with opposing viewpoints should be offered this same

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- Assisting in their student's overall health (e.g., sleeping habits, nutrition, school attendance, appropriate medical care; Jimerson, Pletcher, and Kerr, 2005).

Resources on Grade Retention

- [National Association of School Psychologists Resources, Strategies and Research](#)
- [Center for Mental Health in Schools, UCLA Research Clearinghouse on Topic of Retention](#)
- [Five Factors to Consider When Parents Request Grade Retention for Their Child](#)
- [The New York Association of School Psychologists \(NYASP\) School Re-Entry and Recovery in Response to the COVID-19 Health Crisis](#) ●

Additional reading on the topic:

Barnum, M. (2020, October 6). [How much learning have students lost due to COVID? Projections are coming in, but it's still hard to say.](#) Retrieved from Chalkbeat: <https://www.chalkbeat.org/2020/10/6/21504195/covid-schools-learning-loss-projections-nwea-credo>

Pekel, K. (2021, February 19). [Path out of the pandemic: The right way to help students returning to school.](#) Retrieved from Minnpost : <https://www.minnpost.com/author/kent-pekeli/>

Silverman, M. (2021, March 9). [Want to tackle learning loss: First listen to your students.](#) Retrieved from Education Week : <https://www.edweek.org/leadership/opinion-want-to-tackle-learning-loss-first-listen-to-your-students/2021/03>

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right. Here, as noted above, in this case, J.H-B. can likely be disciplined for making “true threats.”

School personnel should proceed with caution when removing a special education student from the classroom for what may constitute protected speech. Schools should also consult with legal counsel before pursuing a lengthy suspension or expulsion of a student with a disability for speech protected by the First Amendment to ensure compliance with State and federal law. ●

RRM: #405479

1. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).
2. No. 3:19-CV-00076, 2021 WL 674240 (M.D. Pa. Feb. 22, 2021).
3. *Tinker*, 393 U.S. 503.
4. *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675 (1986).
5. *Morse v. Fredrick*, 127 U.S. 2618 (2007).
6. *D.J.M. v. Hannibal Public Sch. Dist. No. 60*, 647 F.3d 754 (8th Cir. 2011).
7. We refer to a “school district” to include traditional public schools and charter schools in this Article.
8. *D.J.M.*, 647 F.3d 754.
9. *In re Expulsion of Z.K. and S.K.*, 695 N.W.2d 656, 664 (Minn. App. 2005).
10. 141 S. Ct. 976 (2021).
11. See, e.g., *Gillman ex rel. Gillman v. Sch. Bd. for Holmes Cty.*, 567 F. Supp. 2d 1359 (N.D. Fla. 2008).
12. See, e.g., *Glowacki v. Howell Pub. Sch. Dist.*, 2013 WL 3148272, at *9 (E.D. Mich. 2013) (unpublished).

2021-22 MASE Committee Sign-Ups

The MASE Committee sign-up form is now available at: <https://forms.gle/aZWMEaS9FyceEbGTA>

The sign-up will close at 4 pm on August 1.

Committee terms are for one year. If you are currently serving on a committee and wish to serve again, please re-register - you will not automatically be placed on your current committee. Please refer to the 2020-21 MASE committee list at www.mnase.org/committees if you are unsure of your current committee standing.

MASE CALENDAR

2021

June 24-25

MASE & MASA Board of Directors Retreats
Minneapolis Marriott NW, Brooklyn Park

July 1

MASE Membership Renewal

June 19-23

CASE Special Education Legislative Summit (SELS)
Virtual

August 20

MDE Special Education Directors' Forum

September 10

MDE Special Education Directors' Forum

September 14

Special Education Advisory Panel (SEAP) Orientation
MDE Conference Center A, Room 13

September 24

Special Education Advisory Panel (SEAP)
MDE Conference Center A, Room 13

October 15

MDE Special Education Directors' Forum

October 27

MASE Board of Directors Meeting
Madden's on Gull Lake, Brainerd

October 27-29

MASE Fall Leadership Conference

November 12

MDE Special Education Directors' Forum

November 19

Special Education Advisory Panel (SEAP)
MDE Conference Center A, Room 13

December 10

MDE Special Education Directors' Forum

2022

January 21

Special Education Advisory Panel (SEAP)
MDE Conference Center A, Room 13

February 11

MDE Special Education Directors' Forum

March 10-11

MASA/MASE Spring Conference
Minneapolis Marriott NW, Brooklyn Park

March 18

MDE Special Education Directors' Forum

April 8

MDE Special Education Directors' Forum

April 15

Special Education Advisory Panel (SEAP)
MDE Conference Center A, Room 13

May 11-13

MASE Best Practices Conference
Madden's on Gull Lake, Brainerd

May 20

MDE Special Education Directors' Forum

June 10

MDE Special Education Directors' Forum

June 17

Special Education Advisory Panel (SEAP)
MDE Conference Center A, Room 13