



# IMPACT

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Spring 2020

## Navigating Uncertainty with Understanding, Patience, Grace

In last fall's newsletter, I wrote about leading in challenging times. I had no idea then just how challenging the times would become. As we have entered into this unprecedented time of uncertainty, I am grateful to be a part of an organization and a state with a mission of service to others.

As all of you are also doing, I have been a part of our district's leadership team working long hours responding to this crisis and the declared state of emergency by Governor Walz. He has called us to action and our district teams have responded with great effort and efficiency. There are high expectations to deliver equitable education to all of our students, provide emergency child care, and meals to the students in our communities. I am confident that our skilled and dedicated colleagues and members across the state are able to meet this challenge.

In just a few days, I have watched our amazing teachers and specialists step up and create excellent learning systems to address a potential extended distance learning period. Our specialists in IT and assistive technology are providing us tools and training with

exceptional skill. For some, this transition may seem natural and intuitive and others will need more coaching and leadership. We will all have the opportunity to learn new skills, embrace flexibility, and even learn more about our students. It will take time, practice and patience. To quote, Dr. Matt Hillmann, Superintendent of Northfield Schools, "During these unprecedented times, as leaders, we must dedicate ourselves to this work with understanding, patience, grace, and forgiveness," as we navigate our way.



**Cheryl Hall**  
Director of Special Services  
Northfield Public Schools  
2019-20 MASE President

Our special educators have a great challenge to find ways to deliver equitable, quality instruction in order to provide a Free Appropriate Public Education (FAPE) to our students in a delivery model which with they may have little to no experience. As leaders we try to remove barriers that may get in the way. The Minnesota Administrators for Special Education (MASE), Minnesota Department of Education (MDE), and Council of Administrators of Special Education (CASE) are all working to help deliver a strong message to our state and federal representatives to request relief from some of the burdens of due process paperwork during this time of crisis, while also complying with the protections of the rights of our students. While we do not know if waivers will be granted, we do know that some due process procedures can be suspended. We will advocate for our districts to be given the time necessary to complete the procedures that were suspended, once we return to school.

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# BUSINESS

# partners

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Special thanks to our 2019-20 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.

## **Tier 3**

Edgenuity, Inc.

Grand Canyon University

Kennedy & Graven, Chartered

Kraus-Anderson Construction Company

Strategic Staffing Solutions

Trinity3 Technology

## **Tier 2**

Knutson, Flynn & Deans, P.A.

Pemberton Law

Ratwik, Roszak, & Maloney, P.A.

Rupp, Anderson, Squires & Waldspurgen, P.A.

Sourcewell

SpEd Forms

## **Tier 1**

CAREI

Invision Services, Inc.

Transition Assessments and Curriculum

UCP/Infinitec

Univ.of St. Thomas, Dept. of Special Education

Last year, at this same time, I wrote the following: Well, what does one do when your world is topsy-turvy and your calendar app has been reminding you for over a week that a newsletter article is due? You either ignore it or you "suck it up and deal" as my daughter has been known to say. Ignoring it takes on the risk of Dave Christians risking everything and driving down to North Mankato to pounding on our front door waiting for the article. I don't put it past him as "getting stuff done and on time" could be his personal mantra. I'm also uncertain if anything that I say will be timely or relevant by the time this newsletter gets out to you.

As I write these words, you're just finishing up the first week of distance learning planning and may have responsibilities to figure out busing, food delivery, childcare, and school materials distribution. The governor has had multiple news conferences identifying what the state of Minnesota can do for its citizens and what its citizens need to do for the state (all of us). MDE has begun streaming answers to your questions. I've had none of those responsibilities, so enough with assorted quips and possible whining. My focus and that of our staff has been and continues to be on what MASE can do to support you. In light of

COVID-19, we've been trying to get information that you can use right now. That has included a webinar on March 19 (thank you Ratwik, Roszak & Maloney P.A.) and an analysis of COVID-19 and special education law (thank you Rupp, Anderson, Squires & Waldspurger, P.A.). I have sought out our state's leaders for direct communication in order to assure that your concerns are heard.



**John Klaber**  
MASE Executive Director

You've texted me, and some of the questions I am comfortable responding to, while others have required consultation with attorneys, MDE staff or other members. I do occasionally need to remind myself that while delivery of a FAPE is indeed important, making sure that there are enough masks, hospital beds and respirators is much more so. I also need to remind myself that trying to assure that our prior written notices that involve distance learning changes, while important, pale in comparison to assuring that folks in our communities have the money to be able to pay

*Executive Notes continued on page 4.*

## CORONAVIRUS INFORMATION AND RESOURCES

As we attempt to keep you updated with the latest (and constantly evolving) information regarding COVID-19, school closures, and student/ staff support, MASE and MASA will be collaborating to get information to you as quickly as possible.

MASE has a **COVID-19 resource page** on our web site at [www.mnase.org/covid-19](http://www.mnase.org/covid-19)

Site content postings will be in chronological order, with the most recent posts first on the site.

All email communication from MASE will be sent to all MASE and MASA members.

If you have questions or concerns, please contact the MASE offices:

members@mnasa.org  
651-645-6272  
1-866-444-5251 (tf)

**“I’ve learned that I can do everything my friends can do when I have the tools to do it myself.”** – Jaheim, Invision student

Since 1992 our service providers have collaborated with schools to provide one-on-one instruction for their students - and we have a team that covers the entire state of Minnesota. Evaluations, consultation, IEP development, material production, and direct instructional services help meet the needs of students. Services include:

- Orientation & Mobility (O&M)
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- Braille Material Production & Assistive Technology
- In-Service Training for School System Staff

Learn more at: [InvisionServicesInc.com](http://InvisionServicesInc.com) or call 919.643.7640



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[MOVE.FORWARD@INVISIONSERVICESINC.COM](mailto:MOVE.FORWARD@INVISIONSERVICESINC.COM)

### *Executive Notes from page 3.*

their rent or mortgage and go to the grocery store. So, I am trying to be judicious in what I am asking of our state agencies.

After listening to our attorney friends, it is apparent that the state has some limitations in its ability to respond to our real need for relief from what are now particularly cumbersome and burdensome rules. I understand that OSEP is working on such relief. Unfortunately, or fortunately, depending on your perspective even that relief needs to be vetted and approved by Congress. Even in that we have allies, Congresswoman Craig reached out to President Cheryl Hall asking what might be done legislatively to assist us.

All of the above may be old history by the time you read this message. What will continue to ring true are the following:

All of my family members, including my 95-year-old mother, are healthy. I continue to have a job that I love. In all of the communication that I have received from you, there has not been a single complaint or whine about our lot in life...not a single one. I see a local restaurant offering to feed our kids breakfast

and lunch for free, while at the same time having to close their doors to on-site dining and the income that comes with it. I see neighbors checking in with each other to see if they need assistance. I share emails with our executive committee, who always find time to respond and connect on behalf of our members. I've experienced an on-line meeting with an area group where the theme was responding to COVID-19, but more importantly how to support each other. I see that your emails are time-stamped as early as 5:00 a.m. and as late as 10:45 p.m. I know that we will get through this because we have each other, our families and our friends. Stay Healthy! ●

## MASE IMPACT Spring 2020

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### 2019-20 BOARD OF DIRECTORS

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Assistant Superintendent of Specialized Services, Saint Paul Public Schools

Executive Director

**John Klaber**

## President's Message from page 1.

MASE and our partners at the Minnesota Association of School Administrators (MASA) continue to be a voice of advocacy for our members during this difficult time. Our executive directors, executive boards and individual members, of both organizations, are communicating with the Governor, his commissioners at the Minnesota Department of Health (MDH), MDE, as well as the U.S. Department of Education. These coordinated efforts have assisted and will continue to assist our membership and our school districts to provide effective and efficient responses to the needs of our students and families during this uncharted crisis.

As leaders in our communities, small and large, we are not in this alone. It is together and with the support of one another that we will navigate this storm. We will prepare and execute our plans to the best of our abilities to support our students, families and each other as we move through our current reality and eventually through recovery.

My hope is for you all to be well now and into the future. ●

## 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 at (651) 645-6272 or (866) 444-5251 or email [members@mnasa.org](mailto: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.

# Canceled!



MASE  
Best Practices  
May 13-15, 2020  
Madden's Resort, Brainerd

**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](mailto:dchristians@mnasa.org).



## Congratulations to our 2020 MASE Award Recipients!

Each year, MASE provides an opportunity to recognize outstanding members and colleagues who are dedicated leaders and advocates for children and Minnesota education. We are pleased to announce this year's recipients.

### 2020 Special Education Administrator of the Year Award

presented at the MASE/MASA Spring Conference

The MASE Special Education Administrator of the Year Award recognizes a MASE member for excellence in special education leadership. The recipient must be a practicing administrator and a member of MASE with a minimum of 5 years administrative experience, and must have demonstrated a concern for students/families with disabilities as well as active involvement in professional and community affairs.

**2020 MASE Special Education Administrator of the Year Award Recipient**  
**Shannon Erickson, Director of Special Education, Fergus Falls Area Special Education Cooperative**

### 2020 MASE Distinguished Service Award

presented at the MASE/MASA Spring Conference

MASE has periodically selected recipients to receive the MASE Distinguished Service Award. The award is not necessarily given on a yearly basis, but is presented when a recipient of particular merit is identified.

The recipient must have a positive history and association with Minnesota public education, having contributed to and participated in activities that improve Minnesota's public education system on a statewide basis. This award recipient must have a reputation as a person who willingly "goes the extra mile."

**2020 MASE Distinguished Service Award Recipient**  
**Sheila Merzer, Education Consultant**

*Sheila was unable to attend the MASA/MASE Spring Conference, so the award will be presented to her at an upcoming event to be determined.*

### 2020 MASE Legacy Award

presented at the MASE Fall Leadership Conference

An important focus of the work of MASE is the support of emerging educational leaders. The MASE Legacy Award recognizes a member for their commitment to encouraging, developing, and mentoring leaders who reflect MASE's mission. This award's recipient will have contributed to the professional growth and development of others and have a service history as a long-standing, contributing MASE member through training, mentoring, personal support, and modeling, resulting in an impact at the local, regional, and state levels that is considerable and measurable over time.

**2020 MASE Legacy Award Recipient**  
**Carol Anhalt, Retired Executive Director, Zumbro Education District**

### 2020 MASE New Special Education Leader Award

presented at the MASE/MASA Spring Conference

This award is given annually to a new leader who exhibits the leadership excellence required to be effective in challenging times. These skills include: a willingness to risk, an ability to collaborate, skills in listening and communicating, and a broad understanding of the educational system. Further, this award is given to a new leader who has demonstrated passion and commitment to the MASE mission of shaping policies and practices which impact the quality of education for students with disabilities.

**2020 MASE New Special Education Leader Award Recipient**  
**Nicole Woodward, Director of Special Education, St. Croix River Education District**

## President-Elect Nominee

**W**hat's My Why? Why do I want to be your next MASE President-Elect? The answer is quite simple. I have a deep belief in the mission of MASE. I am 100% committed to building strong leaders who work on behalf of students with disabilities, both in my work at the St. Croix River Education District (SCRED) and through my involvement with MASE. This is **my why!**



**Jamie Nord**  
Executive Director  
St. Croix River Education District  
MASE President-Elect Nominee

When I reflect on how MASE has supported building me into the leader I am today, I attribute it to the collegial support, professional learning, and advocacy opportunities I have been afforded as an active member. In recent years, I have begun to live out **my why** of building strong leaders, not only at SCRED, but through my involvement in MASE in these three areas. I firmly believe that:

- MASE builds strong leaders who work on behalf of students with disabilities by coordinating meaningful **collegial support**.
- MASE builds strong leaders who work on behalf of students with disabilities by providing high-quality **professional learning**.
- MASE builds strong leaders who work on behalf of students with disabilities by creating **advocacy opportunities**.

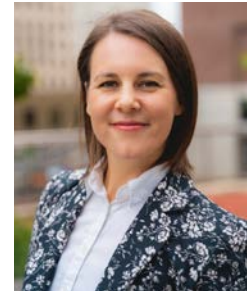
Simon Sinek has said, "All organizations start with WHY, but only the great ones keep their WHY clear year after year." I will strive to do just that for our organization as your next President-Elect. It would be an honor if I was selected to serve you in this capacity.

Let's work together to build strong leaders who work on behalf of students with disabilities by enhancing our collegial support, professional learning, and advocacy opportunities. To learn more about **my why** and how I have already begun living it out, check out this short video on my candidate profile page: <https://www.mnase.org/about-your-president-elect-candidate.html> ●

## Secretary Nominees

**T**his year MASE has two candidates for Secretary. You can find information about each of the candidates online on the MASE website!

**Emily Cooley Dobbins**  
Director of Special Education  
Creatively Focused  
370 Wabasha St N, Suite 500  
St. Paul, MN 55102  
651-440-5263  
emily@creativelyfocused.org  
Candidate Profile: <https://www.mnase.org/about-your-emily-secretary-candidate.html>



**Emily Cooley Dobbins**  
Director of Special Education  
Creatively Focused  
MASE Secretary Nominee

**Dena Hagen**  
Director of Special Education  
Northern Lights Special Education Cooperative  
16 East Highway 61  
Esko, MN 55733  
218-655-5018  
dhagen@nlsec.org  
Candidate Profile: <https://www.mnase.org/about-your-dena-secretary-candidate.html> ●



**Dena Hagen**  
Director of Special Education  
Northern Lights Special Education Cooperative  
MASE Secretary Nominee

**2020 Voting is Now Open!**

Electronic voting is currently open to all to MASE voting members. The ballots will close

April 13, 2020. Please refer to the email with the electronic ballots that was sent on March 16, 2020.



# LEGISLATIVE *update*

In times like these, one can gain a lot of perspective and I want to extend my thanks and appreciation for what everyone of you are doing in helping keep the education process afloat in your districts during this unprecedented challenge. Online classes are starting today and I can't even imagine how much work had to be done in each local school district to make this possible. Add to that the unique challenges of providing special education services—both in preparing and the delivering of these services—and I know all of you have been dealing with a lot of complexity.

Commissioner Mary Catherine Ricker has been conducting calls with superintendents since the change in how education services would be delivered was announced and I know that many of you have been participating in those calls (as a lobbyist, I'm on the outside looking in on this), so I can't provide you with firsthand insight on many of the questions you are facing. The Minnesota Department of Education has posted a number of resources on their [COVID-19 Update page](#). Of primary interest to special educators, this page answers a number of questions related to procedures [Special Education COVID-19 Resources](#). One of the questions I have heard asked most often during the crisis relates to the status of special education paraprofessionals who have been assigned new duties as schools transform their operations. Point 14 in [Executive Order 20-19](#) directs school districts to code the special education staff that has been reassigned to other tasks as though they were still performing tasks related to special education.

**Legislative Update.** The Legislature met last Thursday and passed a \$330 million COVID-19 response bill. There was an effort made to include some provisions on ensuring funding for education, but that was not included in the bill. The Legislature planned to commence with regular operations on April 14, but given President Trump's statement on maintaining social distancing until April 30, that may change. Governor Walz' Executive Order 20-20 established shelter-in-place until April 10, so I would expect at some point Minnesota will extend its guidelines.

It will be interesting to see how the Legislature proceeds. The "must-do" agenda beyond monitoring and reacting to adjustments needed to address COVID-19 is not very long. The Legislature would like to pass a bonding bill and given the likelihood of higher unemployment, expanding construction is necessary.

Add to that the fact that interest rates are extremely low, making state borrowing more affordable. The only other legislative item that I can think of off-hand that won't be put off is that of insulin availability. The House and Senate positions surrounding the insulin issue are different, but current circumstances may push the parties toward a compromise that both sides can embrace.



Brad Lundell  
MASE Lobbyist

The main question that remains is that of whether committees will meet. There has been some talk of holding committee meetings on an online platform, but ensuring public involvement through that venue may not be possible. I know that PACER/CCD continues to hold out hope that its bill requiring school districts to allow private duty nurses under physicians' order to attend to students can pass this session, and they have been made aware of MASE's deep concerns with this bill. I would hope that bills that require a lot of study and work would be postponed until next session. Here is a link to the private nurse bill: [SF 3351/HF 3536](#). I have posted the text from the Senate File, which includes changes to allow students with IEPs to receive ADSIS services and to allow districts to perform a functional behavioral assessment as a stand-alone procedure. Those provisions were added when the bill was heard in the Senate E-12 Finance and Policy Committee. The bill had not been heard in the House prior to the legislative decision to curtail its operations.

As usual, feel free to contact me at [lundelllegislative31@gmail.com](mailto:lundelllegislative31@gmail.com) or at 612-220-7459. Thanks again for all that you are doing. Your commitment to making certain all students in Minnesota are served during these challenging times is to be greatly admired.



## COVID-19: E-Learning During School Closures

Schools have a number of legal obligations to parents.

Minnesota's schools are transitioning to distance learning as you are all keenly aware. During distance learning many schools will rely on e-learning of some type. We discuss some of the ins and outs of e-learning in this era of distance learning in this article.

### A Plan for Distance Learning to Include Students with IEPs and 504 Plans

Minnesota schools were required to create a plan for educating all students including those with individualized education programs ("IEPs") and 504 plans through distance learning during the current school closure due to the COVID-19 pandemic. The Minnesota Department of Education ("MDE") has defined distance learning as "daily interaction with ... licensed teacher(s)" and "access to appropriate educational materials."<sup>1</sup> Direct services as outlined on the student's IEP means special education provided by a teacher or related service personnel.<sup>2</sup> Minn. R. 3525.0210, subp. 14.

**Providing Equal Access and FAPE.** The Individuals with Disabilities Education Act ("IDEA") and the Rehabilitation Act of 1973 ("Section 504") do not specifically address extended school closures as a result of exceptional circumstances and the IDEA and Section 504 fundamentals have not changed as a result of the outbreak of COVID-19. No current statutory or regulatory guidance changes the fundamental obligations of IDEA and Section 504. Each school district must ensure that students with disabilities have equivalent access to the same opportunities as their general education peers and that they are provided a free appropriate public education ("FAPE"). This includes providing students with disabilities to "the greatest extent possible" the special education and related services outlined in their IEPs. The obligations to provide equal access, FAPE, and special education and related services to the "greatest extent possible" should guide educators considerations when determining whether e-learning is a viable distance learning delivery method for a school to implement.

**Equal Access.** If e-learning is part of the district's

distance learning plan, students with disabilities must have equal access to e-learning. That includes the technology necessary to participate as well as access to the on-line curriculum. To support that access, students may require direct instruction to use the technology and they may require other supports to have access to e-learning.

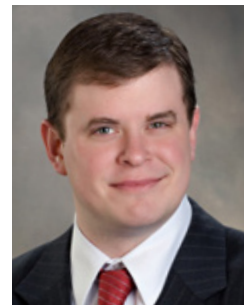
**FAPE.** While much of what educators will be doing during distance learning is different, the obligation to provide students with disabilities with a FAPE remains the same. There are two paramount questions for educators to ask as they design a student's distance learning plan:

1. Are the services designed in way to afford the student with a FAPE during this unusual time; and
2. Has the school provided the parents<sup>3</sup> with an opportunity to meaningfully participate in the IEP process?

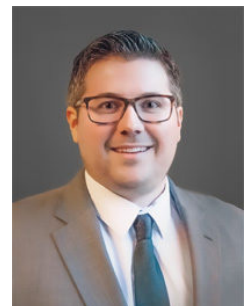
**Amending the IEP without an IEP team meeting.** In some cases, an IEP can be amended without an IEP team meeting if the parent agrees.<sup>4</sup> A distance learning plan that is individualized to the particular students can amend the current "stay-put" IEP. It would outline the goals and objectives and the direct services including related services that will be provided during distance learning. The distance learning plan would indicate whether certain services such as transportation or paraprofessional support will be on hold until regular programming returns. The distance learning plan would be provided to parents with a prior written notice explaining the changes to the IEP during



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## Legal Notes from page 9.

distance learning. If parents wish to have a meeting, a virtual meeting should take place to discuss the distance learning plan.

### Implementing the IEP without an amendment.

There may be situations where nothing on the IEP is changed but the location of the services. For example, if a student has 15 minutes of speech three times per week and the only change to her services is that the service is delivered via a web platform, the only requirement would be to notify parents of the changed platform and the timing of the services. Below we discuss providing services via a web platform in more detail.

### Providing Agreement to the Distance Learning

**Plan.** MDE has provided guidance that permission to deliver special education services via an IEP that was amended by distance learning plan may be approved by parent's sending an email or text. Oral agreement should be followed up in writing either via mail or e-mail to confirm the parent's agreement.

### Disagreements with the Proposed Distance Learning

**Plan.** If the parent disagrees with the proposed plan, the district would offer a conciliation meeting or

another IEP team meeting to discuss the issues and hopefully resolve the concerns.

**Data Privacy during Distance Learning.** Just as is the case, in a traditional classroom, school staff must ensure that they are not disclosing private student data during e-learning. Under the Family Educational Rights and Privacy Act ("FERPA"), schools cannot disclose student records or personally identifiable information from a student's education record without the consent of the student's parent or the application of an eligible exception.<sup>5</sup> Education records are all records that are directly related to an individual student and that are maintained by a school or someone acting for the school.<sup>6</sup> The Minnesota Government Data Practices Act ("MGDPA") generally classifies educational data as private data.<sup>7</sup>

"FERPA does not protect the confidentiality of information in general; rather, FERPA applies to the disclosure of tangible records and of information derived from tangible records."<sup>8</sup> The same would hold true for the MGDPA – these laws protect the disclosure of recorded information rather than the confidentiality of all information. Thus, a video

## Legal Notes continued on page 11.



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.

Funds have been raised primarily through an auction now held every other year during the Special Education Directors' Fall Conference. We started with \$4500 in 1991 and this year our endowment is more than \$250,000.00. You are all amazing!

We will maintain our current practice of requesting that you identify scholarship candidates during 2019. Please distribute the application to highly qualified individuals you know are pursuing graduate special education studies. MASE, at the recommendation of the Scholarship Committee will offer four (4) \$2,000 awards this spring. We encourage you as Directors of Special Education to recommend a candidate you think deserving of this award.

Candidates must be in a private or public Minnesota graduate program leading to special education licensure. This includes psychology, and any related services as well as teacher licensure. It could also include someone entering the program to obtain Special Education Director licensure. (Note: Students attending non-Minnesota schools will also be eligible if the school the individual is attending is located geographically close to Minnesota). Strong consideration will be given to candidates working to obtain licenses in highest areas of need across Minnesota; regional needs will also be considered when they are different.

Please have the candidate complete their section; the Special Education Director will be responsible to submit the final document for consideration to Shannon Erickson by **April 3, 2020**. If you have questions, contact Shannon via email at [s Erickson@fergusotters.org](mailto:s Erickson@fergusotters.org) or by phone at 218-998-0935 ext 9020.

Applications are available at [www.mnase.org/stenswickbenon-scholarship.html](http://www.mnase.org/stenswickbenon-scholarship.html)

## Legal Notes from page 10.

conference between a teacher and his students would be similar to being in the classroom together and the mere fact that the students are present is not a "release of private data". Likewise, a parent who is with her student while the video conferencing is on-going would be much like a parent visiting a classroom to volunteer or observe. It would be well to have staff set the expectations for their e-learning classrooms for students and adults.

Some districts have provided parents with a notice of confidentiality as a way to set those on-line expectations. School rules and policies remain in effect during distance learning including Acceptable use of Technology policies. No consent to the use of e-learning is required.

**Acceptable Use Policies.** It would be wise to remind parents and students that the school district's policies including those governing the uses of district issued technology remain in force. Many districts will be issuing students devices like Chrome Books or iPads and it would be well to obtain parent's agreement to the use of these devices.

**Tele-Related Services.** Students with disabilities may receive related services including speech/language services, occupational therapy, physical therapy and mental health services.<sup>8</sup> In a clinical or medical setting, medical services provided via a web-based platform must comply with the Health Portability Act ("HIPAA") and services such as these related services could only be delivered via a HIPAA compliant platform. The federal Department of Health and Human Services issued guidance that during the pandemic, if providers provided services via the internet that were not HIPAA compliant, there would be no penalty.<sup>10</sup>

Schools are not required to use a HIPAA compliant platform because schools are generally not "covered providers" under HIPAA and instead are required to comply with the provisions of FERPA as discussed above. However, there is currently no guidance from the State of Minnesota's Department of Health that would allow for third party billing of tele-related services where those services are provided via a non-compliant platform.

In conclusion, this is an emerging situation and we expect that the guidance will evolve in response to the changing needs of the nation's students and schools. In addition, the potential appropriate responses may vary from student to student and situation to situation. Schools are advised to contact their legal counsel with any questions regarding their obligations with respect to matters concerning e-learning or compliance with the IDEA, Section 504, FERPA, the MGDPA, or other applicable law during the COVID-19 pandemic. ●

1. See *Minn. Dep't of Educ., School Closure Guidance for Public School Districts and Charter Schools 3 (2020)*.
2. *Minn. R. 3525.0210, subp. 14*.
3. We refer to "parent" here to include parents, guardians and adult students.
4. See 34 C.F.R. § 300.324(a)(4).
5. 34 C.F.R. § 99.30.
6. 34 C.F.R. § 99.3.
7. *Minn. Stat. § 13.32, subd. 3*.
8. *Letter to Mamas, Office of Innovation, U.S. Department of Education (2003)*.
9. *MDE School Closure Guidance March 2020, p. 10*.
10. *Guidance of the Department of Health and Human Services March 2020*.



Special Education Legislative Summit 2020  
Alexandria, VA | July 12-15, 2020

Special Education Legislative Summit  
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Alexandria, VA  
[www.specialeducationlegislativesummit.org](http://www.specialeducationlegislativesummit.org)

## CASE Fall Conference

November 5-7, 2020  
Salt Lake City, Utah  
Registration information at [www.casecec.org](http://www.casecec.org)

## Shannon Erickson Receives MASE Special Education Administrator of the Year Award

MASE has named Shannon Erickson, Director of Special Education of the Fergus Falls Area Special Education Cooperative, the 2020 Special Education Administrator of the Year. Erickson has received this award for her dedication to students with disabilities and their families, and her active involvement in professional and community affairs. She was honored at a statewide recognition ceremony during the MASA/MASE Spring Conference, March 12-13, 2020, at the Minneapolis Marriott Northwest in Brooklyn Park.

"Shannon builds and cultivates a positive working environment through her commitment to families, staff, and administration," said Michelle Bethke-Kaliher, Director of Student Support Services of Alexandria Public Schools in her letter of support. "She is a leader who often goes unnoticed due to her humble contributions to the field. Shannon is the voice of reason when others are frustrated with the system or processes within special education. It is without hesitation that I recommend Shannon Erickson for the Special Education Administrator of the Year Award."

Erickson has served as the Director of Special Education of the Fergus Falls Area Special Education Cooperative since 2007. Prior to her role as director, Erickson served as a special education administrator from 1986-2007. Erickson has served as an adjunct professor in the Educational Leadership Program at the Tri-College University, Moorhead, MN. Her licenses include elementary education, learning disabilities, emotional behavioral disorders, mentally handicapped and as a teacher and coordinator of work-based learning.

Erickson has an extensive background in special education law, rules, and regulations. She has experience working with multiple districts of a variety of sizes. Throughout her career, Erickson has consistently built and cultivated positive working relationships with students with disabilities and their parents along with special education staff. Her fiscal management has allowed for consistent programming during her time at the Fergus Falls Special Education Cooperative.

As an advocate for students, Erickson is an active MASE member. She has shown her leadership by organizing fundraising for the MASE Stenswick/Benson Scholarship program. As the main organizer, Erickson has worked to fundraise, coordinating marketing for applicants, organized committee meetings, and assisted with the awarding of the Stenswick/Benson Scholarship program. Funds for the Stenswick/Benson Scholarship have been raised primarily through the foundation's annual raffle, silent auction, and wine tasting donations every other year during the MASE Fall Leadership Conference. The endowment started with \$4,500 in 1991 and in 2020 the endowment is more than \$250,000. Erickson currently serves as an Area Representative on the MASE Board of Directors and as a member of the Nominating and Professional Development committees.

Erickson earned a master's degree in Special Education and a bachelor's degree in Elementary and Special Education from Moorhead State University. ●

**Thank you to everyone who made the 2020 MASA/MASE Spring Conference a Success!**



The slides for this presentation (pdf format) are available on the MASE web site: [www.mnase.org/spring-conference-handouts](http://www.mnase.org/spring-conference-handouts).



## Sheila Merzer Receives MASE Distinguished Service Award

MASE has named Sheila Merzer, Educational Consultant, the recipient of the 2020 Distinguished Service Award. Merzer received this award for her positive history and association with Minnesota public education, contribution to improving Minnesota's public education, and reputation as a person who willingly "goes the extra mile."

"Not only does Sheila have a positive history with schools in Minnesota, her reputation with families and agencies is also strong. Sheila doesn't play favorites. Rather, she favors finding solutions and helping everyone support the student, however that might look," said Jill Skarvold, Regional Specialist for Special Education of the Lakes Country Service Cooperative. "I'm grateful that I made that first call to Sheila years ago and that she has continued to be a leader who I can call at any time for assistance. She willingly goes that extra mile to ensure that special education services are focused on student needs."

Merzer began her work in the field of autism in 1972 as a graduate student at the University of Minnesota (U of M). The program was funded by the Bureau of Education for the Handicapped and started by Dr. Uwe Stuecher. The purpose of the program was to demonstrate that children with autism could be managed and could be taught.

Merzer became an instructor at the U of M in 1974. During that year U of M's Autism Program began providing consultation services for students throughout Minnesota, particularly Greater Minnesota, who were identified with autism.

Merzer worked as a psychologist at Minneapolis Children's Hospital and co-directed a training and treatment program and consultation service named the Exceptional Children for Communication and Interaction Disorders from 1978-1990.

Merzer and her partner provided training to school districts throughout Minnesota, the surrounding states, parts of Canada, and even in Venezuela. Merzer also collaborated with the Minnesota Department of Education's initial strategies for supporting district's throughout the state in their first low incidence model pertaining to autism spectrum disorder (ASD).

In 1990, The Minneapolis Children's Hospital decided to terminate their outpatient psychology programs.

Merzer and her partner started their own private practice when the program that they headed at the Minneapolis Children's Hospital rebranded under the name the Fraser School and then became the Fraser Child and Family Center.

Merzer currently has eight colleagues who work with her full and part-time. Her team primarily provides assessment, consultation, and training services upon school district requests. Merzer and her team are often asked to conduct independent educational evaluations (IEE's) and attempt to resolve the issues that led to the request in ways that support both the parents and the school districts. Merzer has one mental health contract with Medica/Optum Health and, where the referral concerns related to educational programming, they have developed a collaborative consultation model.

"Sheila has provided invaluable consultation for school districts through the State of Minnesota for more than 25 years that I have been a special education administrator. Her work has improved the programs for students with disabilities on a grand scale and it has also improved the relationship between parents and school districts in many cases," said Duane Borgeson, Executive Director of Learner Support Services of the Moorhead Area Public Schools. "I can say unequivocally that Sheila's skills have improved education for students with disabilities in our schools. She takes the time to train teams to work with our most needy students and quickly builds a rapport with parents that helps build or rebuild trust between the parent and the district."

Merzer is an active member of MASE. She frequently presents at the MASE conferences and at other local, regional, national, and international conferences.

Merzer received a master's degree in Educational Psychology from the University of Minnesota-Twin Cities. She earned a bachelor's degree from Middlebury College in Vermont. Merzer also holds a Special Education teaching degree in Emotional and Behavioral Disorders. ●



Sheila Merzer  
Education Consultant



## Nicole Woodward Receives New Special Education Leader Award

MASE has named Nicole Woodward, Director of Special Education of the St. Croix River Education District, the recipient of the 2020 New Special Education Leader Award. Woodward received this award for her commitment to students with disabilities and their families and her active involvement in professional and community affairs. She was honored at a statewide recognition ceremony during the MASA/MASE Spring Conference, March 12-13, 2020, at the Minneapolis Marriott Northwest in Brooklyn Park.

"Throughout her short time as a special education leader, Nicole has left her mark at SCRED, exemplified the mission of MASE, and positively impacted the lives of students and their families across our state," said Jamie Nord, Executive Director of the St. Croix River Education District. "Nicole's knowledge, ability to communicate and connect with others, and solution-focused problem solving skills, make her an outstanding choice for the recipient of the New Special Education Leader Award."

Woodward has been the Director of Special Education of the St. Croix River Education District since 2015. Her previous positions at SCRED include School Psychologist and Unique Learners Manager. Woodward is knowledgeable in all areas of special education, from due process regulations to creating unique programming for the most challenging student cases. She has a special skill of explaining difficult concepts that are easy to understand and is patient with others while they are learning new things. Woodward is an effective communicator and connector allowing her to navigate difficult conversations with student, staff, and parents, and in facilitating professional learning opportunities.

During the 2019 legislative session, Woodward provided testimony on behalf of MASE at the Minnesota Capitol focusing on special education identification, placement, programming, and paperwork reduction. Woodward has represented MASE on the legislatively mandated Prior Written Notice (PWN) workgroup at the Minnesota Department of Education. Her knowledge base, ability to connect with others, and commitment to finding solutions has been positively received by the workgroup.

"Nicole is an individual who demonstrates a high level of integrity in her professional practice. She is responsive and resourceful helping to navigate difficult situations with focus and thoughtful reflection," Melissa Brateng, Assistant Director of Student Services at Intermediate District 287. "Nicole is consistently present for our Special Education Directors' Forums as well as at the MASE conferences. Whether presenting or participating, Nicole routinely makes herself available and ensures she is able to grow and learn with her colleagues across our state. Her dedication to our field is clear and known to many."

Woodward recently received the University of Wisconsin-River Falls' Outstanding Alumni award for the 2018-19 school year.

Woodward received a bachelor's degree in Psychology from the College of St. Benedict. She earned a master's degree in Education and Educational Specialist Degree in School Psychology from the University of Wisconsin-River Falls and a 6th Year Certificate, Director of Special Education and K-12 Principal from St. Cloud State University. ●

**Save the Date!**  
**2021 MASA/MASE  
 Spring Conference**  
 March 11-12, 2021  
 Minneapolis Marriott Northwest  
 Brooklyn Park, MN

 **SAVE THE DATE!**  
**2019 MASE Fall  
 Leadership Conference**  
 October 21-23, 2020  
 Madden's on Gull Lake, Brainerd

# MASE CALENDAR

## 2020

### **April 3**

**Canceled!** MASE Leadership Issues  
Virtual Meeting

### **April 17**

**Special Education Advisory Panel (SEAP)**  
Virtual Meeting: <https://zoom.us/j/113972444>

### **May 8**

**Special Education Directors' Forum**  
MDE Conference Center B, Room 15-16  
*At the time of publication, this event is still scheduled*

### **May 13**

**Canceled!** MASE New Leaders Cohort - Session 7  
Madden's on Gull Lake, Brainerd

### **May 13-15**

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

### **June 25-26**

**MASE & MASA Board of Directors Retreats**  
Madden's on Gull Lake, Brainerd

### **July 1**

**Membership Renewal**

### **July 12-15**

**CASE Legislative Summit**  
The Weston, Alexandria, VA

### **June 25-26**

**MASE & MASA Board of Directors Retreats**  
Madden's on Gull Lake, Brainerd

### **September 25**

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

### **October 21-23**

**MASE Fall Leadership Conference**  
Madden's on Gull Lake, Brainerd

### **November 5-7**

**CASE Fall Conference**  
Salt Lake City, UT

### **November 20**

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

## 2021

### **January 22**

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

### **March 11-12**

**MASA/MASE Spring Conference**  
Minneapolis Marriott NW, Brooklyn Park

### **April 16**

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