



IMPACT

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

Spring 2021

Moving on to a New Better

The snow has melted, the birds are flying north, vaccines are being distributed, and we have signs of new growth. This year, more than any year I can remember, we feel the possibilities of new and improved growth.

I clearly remember last year on March 13 attending the Spring MASE/MASA Conference. With hundreds of school administrators in the conference center gathered closely together around tables listening to Dr. Heather Mueller throw out strange ideas like half of your second graders coming to school at one time and the other half on the opposite day. That day was the last time I have been in a group of my colleagues face-to-face. That seems so long ago, and so much has happened in that time.

We look forward to returning to our "old way of life", but it is important for all of us to take lessons learned as we move forward to life after the pandemic.

From a MASE standpoint, I have learned how much I love being together with all of the directors across

the state. I look forward to the day we can be together again in the near future. However, I have discovered how productive MASE committees can be when we can pull people together from across the state for an hour long meeting, without taking five hours of drive time. I have also discovered that virtual happy hours with directors can be a lot of fun!



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

As the Director for Southern Plains, I have appreciated being able to say to staff, "can you hop on my zoom?" I am able to see staff members face to face much easier than a year ago; this has led to more face-to-face conversations with our itinerant staff. I have also learned the ability our staff has to make change when we need change to happen. As a data driven person, I know my personality type can be stuck in "analysis paralysis", and I learned how much could get done with little time. Learned the power and freedom when many of our rules went out the window (Did you ever think we would accept a text message as a signature for an IEP?). I commit to taking these lessons learned and using this as I move forward in future initiatives.

What will you take forward as a positive that came out of this pandemic? ●

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Save the Date!



MASE
Best Practices
May 12-14, 2021
Virtual Conference

BUSINESS

partners

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.

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EXECUTIVE *notes*

Let me begin by thanking the individuals who nominated me for the MASE Legacy Award and the work of the Nominating Committee. They have the wonderfully challenging task of determining who should be selected as an award recipient. It is extremely humbling to be recognized by the members of an organization that I hold in such high regard. I would also like to recognize Jan Ostrom for the contributions that she has made to special education in Minnesota. Two exceptional individuals received the MASE Special Education Administrator of the Year and New Special Education Leader awards. Cheryl Johnson and Scott Masten have provided significant contributions to MASE with their leadership and participation in many of our committees and initiatives. In fact, should you wonder what it takes to be recognized by MASE...you have to be really old or you can look at the list of contributions to MASE that Cheryl and Scott have made over the years. Within MASE, our staff continues to make sure that you are supported. They just pulled off an amazing MASA/MASE Conference. We have updated the special education director contracts. We have new business partners coming on-line. We are engaging with legislators and lobbyists. We meet regularly with representatives of CEC-CASE. "Slice" is a run-away success. We support individual members.

I wish this COVID thing was over. I wish that we could meet in-person. I appreciate that no one close to me has passed away due to the virus and I hope the same is true for you. However, keeping in mind the adage: "The more things change, the more they remain the same". We continue to do the work of making sure students with disabilities grow and even thrive. We assure you that:

- Appropriately trained and licensed staff are available to work with our students.
- Students and staff have space to meet whether in-person or on-line.
- Materials and equipment are available and where it needs to be.

- Transportation is provided
- Due process is followed and documented
- Staff skills are supported and improved
- Budgets are balanced/Bills are paid/Contracts are negotiated
- Staff and students are safe



John Klaber
MASE Executive Director

That was your job pre-COVID and will be our job post-pandemic. I am in awe of the creative and, in some cases, truly brilliant delivery models that you have put into place. We are kind of like the plow horse...we don't panic, we push forward, we work best as a team and we don't stop until the job is done. No fancy saddles, no trumpet fanfare, no rose garlands. Maybe there is an appreciated sugar cube when the job is done and we always get the job done.

I am going to close with a suggestion that you take note of the superintendent openings being posted across the state. Please consider whether you might be a candidate for such a position. School districts would be well-served by an individual with the experience that you can bring to the position (see the list above and the benefit of having a "plow horse" lead the way). ●



SAVE THE DATE!
2021 MASE Fall
Leadership Conference

October 27-29, 2021

Madden's on Gull Lake, Brainerd

MASE IMPACT
Spring 2021

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Save the Date!

2022 MASA/MASE Spring Conference

March 10-11, 2022

Minneapolis Marriott Northwest

Brooklyn Park, MN

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North DuPage Special Education Cooperative, Roselle, IL

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for all you have done for our Minnesota communities, parents, and children!

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President-Elect Nominee

I am humbled by the nomination to serve an organization that supports and builds current and future Directors of Special Education. MASE has provided a platform for professionals to come together to learn, reflect, and grow. For over 20 years, I feel blessed to have shared this space with those that have paved the way and those that are new to the organization.

My career started as an outdoor recreational therapist and I eventually found my way to public education. For the past 19 years, I have served as an administrator in special education, and I am currently the Assistant Superintendent of Specialized Services for St. Paul Public Schools. In my administrative journey, I have discovered a passion for special education finance, public speaking, and strategic planning. I have appreciated the opportunity to share and learn as a co-presenter in MASE's Boot Camps and a member on MASE's legislative committee.

It would be my pleasure to serve as Present-Elect of MASE, an organization that has supported my leadership development over the years. Thank you for your consideration and I look forward to representing MASE and its mission. ●



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

Treasurer Nominees

This year MASE has two candidates for Treasurer.

You can find information about each of the candidates online on the MASE website!

Dave Haveman
 Executive Director of Services
 Creatively Focused
 1155 Centre Pointe Drive Suite 6
 Mendota Heights, MN 55120
 612-226-4914
 dave@creativelyfocused.net
 Candidate Profile: <https://www.mnase.org/2021-candidates.html>



Dave Haveman
 Executive Director of Services
 Creatively Focused
 MASE Treasurer Nominee

Scott Masten (incumbent)
 Director of Special Education
 Lake Agassiz Education Cooperative
 PO Box 628
 Hawley, MN 56549
 888-267-5380
 smasten@lagassiz.com
 Candidate Profile: <https://www.mnase.org/2021-candidates.html> ●



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



CASE Annual Fall Conference
 November 11-13, 2021
 Little rock, Arkansas
www.casecec.org

2021 Voting is Now Open!

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

April 12, 2021. Please refer to the email with the electronic ballots that was sent on March 15, 2021.



Congratulations to our 2021 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.

2021 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.

**2021 MASE Special Education Administrator of the Year Award Recipient
Cherie Johnson, Executive Director, Goodhue County Education District**

2021 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."

**2021 MASE Distinguished Service Award Recipient
Jan Ostrom, Partner and Licensed Psychologist, Brih Design**

2021 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.

**2021 MASE Legacy Award Recipient
John Klaber, Executive Director, MASE**

2021 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.

**2021 MASE New Special Education Leader Award Recipient
Scott Masten, Special Education Director, Lake Agassiz Education Cooperative**

Cheryl Johnson Receives MASE Special Education Administrator of the Year Award

MASE has named Cheryl Johnson, Executive Director of the Goodhue County Education District, the 2021 Special Education Administrator of the Year. Johnson 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 11-12, 2021, held virtually.

"Cherie is a talented leader who is committed to finding ways to help families, students, and colleagues across the state to succeed," said Simone Bolin, Executive Director of the Mid State Education District in her letter of support. "She is an advocate both locally and nationally for MASE and the students that our members serve. It is without reservation that I support Cherie for the MASE Special Education Administrator of the Year Award.

Johnson has an extensive history working in the field of special education. She has served as the Executive Director of the Goodhue County Education District since 2007. Johnson began her career as a Special Education Teacher in the Trumansburg School District in Trumansburg, NY. She returned to Minnesota to teach special education and later become the Assistant Director of Special Education for Red Wing Public Schools.

Johnson is highly knowledgeable about laws, statutes, and special education finances necessary to ensure comprehensive services meet the needs of students with disabilities. She has gone above and beyond her role within the Goodhue County Education District and she has become a service leader in her region and across the entire state. Along with colleagues from MASE, Johnson facilitated and executed a statewide professional development program focused on special education finance. She is a high-value resource to districts across the state as they work to maximize their financial resources for students receiving special education services.

Johnson is a long-time advocate of students receiving special education services which is demonstrated by

her service to MASE and its partner organizations. She represents MASE on workgroups with the Minnesota Department of Education including the Restrictive Procedures Workgroup and the School Finance Working Group.

As an active member of MASE, Johnson has served as the MASE President and a member of the Board of Directors. She has chaired the MASE Legislative, Nominations, and Membership committees and has been a member of the Strategic Planning, Federal Advocacy, Professional Development, and Fundraising committees. Johnson represents MASE on the Council of Administrators of Special Education (CASE) Board of Directors. She also serves as the Treasurer for the Minnesota Special Education Leaders Foundation (MNSSELF). Johnson is also a member of the Minnesota Association of School Administrators (MASA) and has served on the Legislative and Federal Advocacy committees.

Johnson received a Master of Science in Special Education from Marywood University in Scranton, PA. She earned a Bachelor of Arts in Sociology and Anthropology from Carlton College and a Bachelor of Science in Elementary Education from the University of Minnesota.

[Read Cheryl's news release online!](#) ●

Thank you to everyone who made the 2021 MASA/MASE Spring Conference a Success!



The slides from the conference (pdf format) are available at: <https://www.mnasa.org/spring-conference.html>

Scott Masten Receives New Special Education Leader Award

MASE has named Scott Masten, Special Education Director of Lake Agassiz Education Cooperative, the recipient of the 2021 New Special Education Leader Award. Masten received this award for his commitment to students with disabilities and their families and his active involvement in professional and community affairs.

Masten has served as the Director of Special Education of Lake Agassiz Education Cooperative since 2016. He began his career in public education as a School Psychologist for Lake Agassiz in 2010.

During his time as a school psychologist with Lake Agassiz Education Cooperative, Masten worked with districts within the cooperative on ways to use data and improve problem-solving. During this time, the cooperative began a Teacher-Child Interaction Training (TCIT) project, Masten researched the effectiveness of the model, went through the proper training, and then worked to phase in the project across the

cooperative's districts. He recruited and trained staff, and instituted the required fidelity checks. Before taking the role of director, it was evident that Masten works to improve and influence services because it is a need for all students.

As a new director, Masten is a data-based decision-maker who understands the importance of using data to improve instruction for all students. He is willing to continue to advance the cooperative to new levels, recently pursuing the addition of an alternative learning center to help students of varying abilities succeed. Through Masten's leadership, an additional district joined the cooperative and he worked with each district to help leadership understand the changes that growth in the cooperative would bring.

[Read Scott's full news release online!](#) ●

Jan Ostrom Receives MASE Distinguished Service Award

MASE has named Jan Ostrom, Owner of Brih Design, the recipient of the 2021 Distinguished Service Award. Ostrom 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."

Ostrom has more than 20 years of experience working with individuals of different abilities, including Autism Spectrum Disorders, emotional behavior disorders, and mental illness. She is a co-founder of Brih Design, a company specializing in behavioral supports in schools; comprehensive functional behavior assessments; positive behavior support planning, training and implementation across individuals, groups, and systems; and consultation in understanding behavior and behavior change across children, adolescents, and adults with a myriad of diagnoses and levels of functioning.

Ostrom is well known in Minnesota's education community and in the autism community. She has proven herself to be dedicated, positive, and effective

as she consults with countless school districts and cooperatives in all corners of Minnesota. She is thorough in her analysis of the student and clear in her communication of the student's goals and outcomes. Ostrom is an education professional who "goes the extra" mile by providing a specific lens of support based on the individual needs of each student.

Ostrom is an active educator and advocate for advancing the professional learning of special education administrators. She is a frequent speaker and trainer in the design of effective interventions, accommodations, and modifications for comprehensive behavior supports. Ostrom has presented and provided training to administrators, teachers, paraprofessionals, parents, and other mental health professionals. It is her work across Minnesota that has led to her positive association with improving Minnesota's public education. Ostrom was also included on the Minnesota Department of Education's Reducing Restrictive Procedures Expert List.

[Read Jan's full news release online!](#) ●

LEGISLATIVE *update*

The Legislature is taking a break for observance of the religious holidays the last week in March and when they return after Easter, it will likely be a mad rush until the scheduled adjournment of the regular session on May 17. When the year began, there was conjecture that the session would be almost solely focused on the budget with very few policy initiatives being brought forward. A number of things have happened to improve the budget situation—passage of additional Federal assistance packages and a turn-around in the state economy—and what looked like a considerable deficit for the biennium has turned into a situation where there is a considerable surplus. A good portion of this money is one-time money, so it is difficult to know what the budget packages passed by the Legislature will look like for the biennium ahead.

Special education has not been central in education discussions this session. The Governor's budget bill only seeks to hold the special education cross-subsidy at its current level at a cost of \$72 million over the biennium and there are no new special education initiatives in the Governor's policy bill.

That's not to say that there haven't been special education bills introduced and heard in committee. MASE, along with the Minnesota School Social Work Association, has put a lot of effort behind HF 945 (Youakim)/SF 728 (Frentz). This bill would allow school social workers to be reimbursed through Medical Assistance for mental health services they provide to special education students as part of the Individual Education Plan. The bill had enthusiastic hearings in both the House Education Finance Committee and House Human Services Finance and Policy Committee and the Senate Education Finance and Policy Committee, but there is still significant opposition to the bill coming from the Minnesota Department of Human Services. This is the first time in several years that this initiative has received this level of attention from the Legislature and at the very least progress has been made and the Legislature has been made painfully aware that Minnesota is leaving a significant amount of Federal revenue—estimated at \$10 million—on the table. These are not new services; these are services that are already being provided in an IEP and not being reimbursed.

There are other bills that affect special education that have surfaced. HF 1124 (Edelson)/SF 859 (Hoffman) is the private duty nurse bill that was heard last session, but was a casualty of the change in legislative activity once the pandemic struck. MASE has worked with the special education advocates to greatly improve the bill. The bill was heard in the Senate, but not in the House, so it is unclear at this juncture what the bill's prospects are as the session continues.

Speaking of the pandemic, no group of students has likely faced greater hardships than those receiving special education services. HF 965 (Edelson)/SF 1210 (Duckworth) would provide for needed education recovery services defined by a student's IEP team. There is some question whether the revenue for these services would come from Federal or state funds, but it would not be surprising to see this provision or something like it in the final omnibus education funding and policy bill.

There has also been a bill—HF 2357 (Youakim)—introduced to implement the recommendations of the School Finance Working Group, but given where the budget targets are in both the House and Senate, it is unlikely this bill will move forward. That's really unfortunate, because the recommendations of the working group are exactly the shot in the arm of special education funding that is needed to remedy the current situation.

When the Legislature returns from its break, there will be six weeks to go before the Constitutionally-mandated adjournment date for the regular session. There will be a lot of ground to cover and certainly a clash of competing visions across a variety of issue areas. Feel free to contact me with any questions you have regarding legislation. I can best be reached by cell at 612-220-7459 or lundelllegislative31@gmail.com. ●



Brad Lundell
MASE Lobbyist

How to redirect the tempting conversation of ‘learning loss’

We are now one year into the COVID-19 pandemic, and we are all well aware of the challenges this has created for educators, students, and families. Along with significant disruptions to students’ education, other challenges such as food and housing insecurity, childcare, access to technology and the mental well-being of educators, students and families have all been impacted. In the past year, schools have been required to transition between in-person, hybrid, and full distance-learning, many times. Many schools routinely screen students for important milestones in reading, math, and writing and participate in end of year accountability tests (MCAs) to quantify the degree to which schools are providing instruction that is sufficient to help most children attain proficiency. Due to timing of school closures, Spring 2020 data does not exist for the Minnesota Comprehensive Assessment (MCA), and it is unclear how many districts are collecting screening data during the 2020-21 school year. The absence of data and disruptions to learning have created a “perfect storm” for our schools, and it has been hypothesized that the economic impacts and trauma of recent events will likely exacerbate long-standing opportunity gaps. These hypotheses are now taking root in the form of a multitude of market-based solutions to address, “learning loss.” One principal reported receiving over 30 emails from vendors already. The term “learning loss” is ‘sticky’, meaning it seems to make immediate sense; however, we are growing increasingly concerned with its use. First, the hypothesis of ‘learning loss’ described in the media is not based on actual assessment results (Much more on that below). Second, the language itself situates the last year entirely in a deficit frame, not acknowledging or taking into account the many real skills students and educators have learned that may be leveraged to accelerate instruction, like the use of technology and asynchronous lessons.

Where did this idea of ‘learning loss’ come from?

Research has identified some trends around summer learning loss ([Alexander, Entwisle & Olson, 2007](#); [Kuhfeld, 2019](#)). It has been documented that achievement typically slows or declines over the summer months, declines in learning tend to be

steeper for math than for reading, and the extent of loss increases in the upper grades. To compensate for the lack of data available during the pandemic, NWEA used research on seasonal learning and summer learning loss to offer insights around the potential impact of learning during the pandemic ([Kuhfeld & Tarasawa, 2020](#)). Their Projections from COVID Closures (Spring 2020) estimated that students would return in the Fall 2020 with 70% of the learning gains in reading and less than 50% of learning gains in math relative to a typical school year. In some grades, projections indicate students could be nearly a full year behind of what we would observe in normal conditions.

More than just ‘test’ data

Before panic ensues, it is important to remember that data from the NWEA and [other studies](#) are [projections](#) and not based on actual data.

Data from the 2021 MCA’s and local assessments will either confirm or disconfirm these projections. Given the wide array of experiences students have had during the pandemic, we need assessments that are designed to quickly identify learning needs and guide instruction. The current inequities and complexities faced by students require that we consider not only student performance but also the experiences that could impede their learning and development, and also those that have frankly potentially enhanced learning and development beyond just academic standards. We know that a students’ physical, social, and emotional well-being, including relationships with peers and adults, are



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College of Education and
Human Development

Research to Practice continued on page 13.

Research to Practice from page 12.

foundational to learning. As a result, we need to know both what students know and how they feel to inform instruction, now more than ever. It is important for educators to identify the reasons students may have learning struggles, not just the struggles themselves.

Helpful principles of assessment

With the increased focus on assessment data, we encourage you to remember some basic principles of assessment to consider during the pandemic ([Lake and Olson, 2020](#)):

- **Do no harm. Refrain from retaining students** based on assessment data. If it is not clear how data will be used, do not administer assessments that put added time burden on students and teachers. Ensure that educators administering assessments know how to interpret results, what to do in response to the results, and have options for action.
- **Prioritize measures closest to classroom instruction.** In order to help teachers to know what to do next, provide professional development to help teachers translate assessment data into specific classroom instruction or find ways to integrate the review of unfinished learning into grade level content. Make use of existing data. If a high-quality curriculum that includes assessment is not available, don't put the burden of developing pre-assessments on individual teachers.
- **Use more formal interim assessments for school and district decision-making.** Continue using interim assessments that are in place that predict performance on state learning standards (MAP, Fastbridge, I-Ready). However, be cautious about using interim assessments this year to compare with previous years. Testing will not help without a clear districtwide commitment and plan to address any needs revealed.
- **Engage parents as partners.** Create a district-level protocol to share assessment results with parents and to solicit their observations and feedback. Provide professional development to teachers on the protocol. Increase transparency and make sure parents have access to interim and other assessments with resources and support. Provide support to teachers, including data literacy, so they can have honest and simple conversations with families about student

progress.

- **Remember that universal screening is going to look different for the next few years.** One purpose of universal screening is to rule out students who do not need academic intervention. There will likely be a higher prevalence of academic risk in nearly all schools that will make it difficult to sort out which students need more intensive intervention. Single-point-in time screenings are not going to be sufficient. Schools must use "Gated Screening" where teachers implement classwide interventions daily and then use data to determine which students need more intensive intervention.

Resources for districts

The Center for Applied Research and Educational Improvement (CAREI) is a partner in the Wisconsin Minnesota Comprehensive Center (WMCC) - One of 19 federally funded comprehensive centers across the United States that provides high quality and intensive capacity-building services to help state education agencies and school districts identify, implement, and sustain evidence-based practices to support educational outcomes. As part of our work, we are partnering with the Minnesota Department of Education on a variety of projects. One area of focus is around implementation of the Safe Learning Plan. A survey has been developed for families, educators, and students to gather information on their experiences with safe learning plan implementation. The survey will be deployed at three intervals - February, May, and October 2021. Information from the survey will be provided to school districts to assist with identifying needs within a continuous improvement framework. In addition, WMCC will be developing guidance for districts on how to assess student learning across in-person, hybrid, and distance-learning models with action planning strategies to close achievement gaps. Rapid briefs summarizing assessment guidance will be issued every few weeks between March - June, 2021. The [first brief](#) includes general assessment guidance for districts to consider.

In closing, we both applaud all of the work you have done this year to best meet the needs of students, families, and your staff. We know the work has not been easy. We will do our part to continue developing resources and tools to make your jobs easier. ●

Research to Practice continued on page 14.



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 2021. 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 5, 2021**. If you have questions, contact Shannon via email at serickson@fergusotters.org or by phone at 218-998-0935 ext 9020.

Applications are available at www.mnase.org/stenswickbenson-scholarship.html.

Research to Practice from page 13.

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.](https://www.chalkbeat.org/2020/10/6/21504195/covid-schools-learning-loss-projections-nwea-credo) 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.](https://www.minnpost.com/author/kent-pekeli/) 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.](https://www.edweek.org/leadership/opinion-want-to-tackle-learning-loss-first-listen-to-your-students/2021/03) Retrieved from Education Week : <https://www.edweek.org/leadership/opinion-want-to-tackle-learning-loss-first-listen-to-your-students/2021/03>

Strauss, V. (2021, March 10). [What 'learning loss' really means It's not a loss of learning.](https://www.washingtonpost.com/education/2021/03/10/what-learning-loss-really-means/) Retrieved from The Washington Post : <https://www.washingtonpost.com/education/2021/03/10/what-learning-loss-really-means/>



Critical Updates from Your Federal Advocacy Committee

What is Happening at the Federal Level?

Since our fall newsletter, there have been a significant changes in Washington, D.C., including a transition in the Oval Office. In December, the Council for Administrators of Special Education (CASE) provided the Presidential Transition Team with a transition [document](#) highlighting its legislative priorities for the new year. In addition to the impact of COVID-19 on Special Education, the letter outlined three priorities for the new Administration to focus its work on:

- Funding IDEA and keeping public funds in public schools.
- Interagency collaboration focused on school and community mental health supports.
- Educator/Leadership Development, including growing, recruiting, and retaining the workforce and collaborating with higher education to help address educator shortages.
- Two of these priorities appear in our [MASE 2020-21 Legislative Platform](#). It is exciting to see this alignment taking shape between our legislative priorities at both the federal and state levels.



Jamie Nord

Executive Director
St. Croix River Education
District
MASE Federal Advocacy
Co-Chair
2020-21 MASE President-Elect

Federal Advocacy Committee to Join Forces with Legislative Committee Starting in 21-22

Based on a membership vote in December of 2020, the Federal Advocacy Committee will no longer be a standalone committee starting next school year. We are excited to be joining forces with the Legislative Committee! Given the considerable overlap in our state and federal legislative priorities, as well as the joint benefit of the “Telling Your Story” resources the legislative committee has developed, we believe this restructure will make our voices for students with disabilities even stronger.

If you are interested in either state and/or federal advocacy, please consider joining the Legislative Committee when the request for committee members is sent out in June 2021!

Save the Date! Special Education Legislative Summit 2021

Typically held in Washington, D.C., during July, the Special Education Legislative Summit (SELS) is an opportunity for educators from across the country to make a difference by advocating for change with Members of Congress. Mark your calendars! This year’s summit will be held July 11-14, 2021.

Details about the program, travel, registration, and sponsorship will be made available in early Spring 2021. For questions or more information about the Summit, contact the organizing committee at sels@exceptionalchildren.org.

Minnesota State University, Moorhead School Psychology Program

As with anyone in our business, the current workforce shortage rarely leaves the forefront of my mind this time of year. The task of putting effective educators in front of students is certainly a challenge. In the position of educational leaders, we are at the front line of the shortage. As a result, we have a unique opportunity to share our perspectives and help solve the problem! This article highlights an example of working together to help save a program and address our shortage of school psychologists.

In the Spring of 2020, Minnesota State University Moorhead (MSUM) began that process of program reduction due to a projected budget shortfall. Unfortunately, the School Psychology Program was included in the proposed reduction. As you are likely well aware, finding appropriately trained school psychologists has become difficult in recent years. Losing one of our state's largest producers of these professionals would have made the task almost insurmountable.

As soon as this unfortunate news broke, many organizations and individuals around the state began to advocate for the value of the program. MSUM's administration was flooded with emails and letters in support of the program, legislators were notified of the potential impact, letters of support were published in statewide newspapers, and several meetings were held to discuss the importance of the program. Through this process, it became clear that MSUM was willing to have a solution-focused conversation that would give the program an opportunity to re-design itself to meet the needs of our current environment.

In the Fall of 2020, the program's status was transitioned to a state of suspension. This provided an opportunity for the professors to re-develop and re-design its programming. They took a strategic planning approach that included many stakeholders from a variety of settings including the field. The balanced perspective helped create a new path towards degree completion that focuses on flexible enrollment options (two years plus

internship and three years plus internship), remote access to the program, growing your own opportunities, increased enrollment, and curriculum adjustments to meet the needs of today's learners.

While the program has not yet received its final re-design approval, all signs indicate they are on the correct path forward and are feeling confident with the support from the institution. These programmatic changes have the potential to add more effectively trained school psychologists to the field.

As our educational landscape continues to adapt and change, our engagement with the state's higher education institutions is imperative. An active voice from the field allows the institutions to see the value of their programs, provides input that defines future curricular options, and helps in the design of flexible learning opportunities. It is truly only through our collective efforts that we can solve our current workforce shortage challenges. ●



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

COVID-19 and Compensatory Services

COVID-19 has changed the educational landscape in many ways. While some students have thrived in the on-line or hybrid environments, the educational landscape has presented unique challenges for students and staff. As students and staff continue to return to school and things get back some semblance of "normalcy," educators are tasked with determining whether students need some type of compensatory or "make-up" services even in situations where the school district made good faith efforts to reach and teach the student with disabilities.

Prior to COVID-19, we viewed compensatory education as requiring not only a finding that a free appropriate public education ("FAPE") was not provided but also a finding that a student was "educationally harmed". However, in the era of COVID-19, the analysis is developing in a different way – that is, regardless of whether district made a good faith effort, if a student missed special education services or did not receive a FAPE, the Individualized Education Program ("IEP") team is being asked to consider compensatory services. We begin with a short review of the prior legal standard and then discuss COVID-19 cases followed by some recommendations.

Compensatory education prior to COVID-19. An award of "compensatory educational services" is a potential remedy in both due process hearings and special education complaints considered by the Minnesota Department of Education ("MDE"). A hearing officer or the MDE may require a school district to provide compensatory services when it is found that the district violated a student's rights under the Individuals with Disabilities Education Act ("IDEA") or failed to provide the student with a FAPE. By Minnesota statute, compensatory services are limited to situations where a hearing officer finds "that the district has not offered or made available to the child a FAPE in the least restrictive environment and the child suffered a loss of educational benefit." Minn. Stat. § 125A.091, subd. 21

Compensatory services and COVID-19. The U.S.

Department of Education has opined that IEP teams should be making an individualized determination about compensatory services if:

- Students did not receive all of their IEP services during periods of distance learning and/or school closure and
- Should consider what compensatory services may be needed to make up for any skills that may have been lost.¹

MDE's Guidance. The MDE supports the process outlined by the U.S. Department of Education with regard to provision of compensatory services for students with disabilities who did not receive services during distance learning. In addition, several recent MDE complaint decisions and the February 2021 MDE guidance demonstrate that the MDE is using the U.S. Department of Education's guidance as a basis for determining that disabled students who did not receive all of their services during distance learning are entitled to compensatory services, regardless of whether the student made educational progress or otherwise received a FAPE.

MDE Decisions. Specifically, the MDE has opined that students are entitled to receive compensatory services



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when they were unable to access the special education and related services necessary for them to make effective progress toward their IEP annual goals or in the general education curriculum "despite efforts by school districts and charter schools to develop and implement individualized distance learning plans (IDLPs) and contingency learning plans (CLPs) to adapt the special education and related services provided to students with disabilities during the different learning models." The recent MDE complaint decisions align with this guidance. Instead of focusing on whether the district made a FAPE available or offered a FAPE, and instead of focusing on the student's progress, the MDE found that districts violated the IDEA and awarded compensatory services based on the services the student actually participated in during distance learning.

For example, in one recent decision, the MDE found that the school district violated the IDEA and issued an award of compensatory services from the start of distance learning in the 2019-2020 school year through late October 2020.² The basis for the MDE's decision was the fact that the student never logged into distance learning classes, or completed a distance learning assignment, or communicated with staff members. The MDE found the district had provided the student a computer to complete distance learning services, gave the student step-by-step directions on the necessary passwords and links, provided the student with pen-and-paper work each week, and made "repeated efforts" to contact the student during distance learning. The MDE also parent refused to allow the student to attend the extended school year ("ESY") program identified in the student's IEP. Regardless, the student had not received special education services and so compensatory services were required.

In another recent decision, the MDE awarded compensatory services when a parent refused to allow the student to participate in distance learning during periods of distance learning in the fall of 2020, as well as the distance learning portion (one day) of the student's hybrid schedule for the rest of the fall. The MDE

reached the conclusion despite the fact that the student had been able to participate in distance learning and despite the fact that the student made overall progress, the student required compensatory services. As with the other decision, the MDE reached its conclusion without analysis of whether the district itself was at fault.

Inconsistencies in technology use can also result in an award of compensatory services. For instance, in one complaint decision, the MDE found that the school district failed to provide appropriate services where a staff member failed to consistently use technology to assist the student. In that case, the case manager worked with the student and teachers to make sure that the student had the technology needed to access presentations and videos during distance learning. The student was able to attend distance learning, actively participated in distance learning classes, and made progress. Nevertheless, due to the inconsistent use of certain technology by one staff member, the MDE issued an award of compensatory services.³

In another recent MDE complaint decision, the student was provided with distance learning services, resources to attend distance learning, and a schedule of online classes in accordance with the IDLP. The student, however, did not attend all or part of the distance learning services for more than half of the school days during the distance learning period. District staff made multiple attempts to contact the student and the student's parents about the attendance issue, but to no avail. The MDE ultimately ordered the district to provide the student with compensatory services to make up for the services the student did not receive due to poor attendance, although there was evidence of progress.⁴

All of these recent MDE decisions focus on whether the student had the resources and technology needed to participate in the distance learning services identified in the students' IEP/CLP/IDLP and whether the student actually participated in those services. Many of these recent decisions involved schools that provided students with significant resources (iPads, computers, pen-and-paper assignments, etc.)

and made significant efforts to contact the student, the parents, and/or other responsible parties to ensure the student was participating in—and benefiting from—the distance learning services. Nevertheless, even in situations where the district appeared to do everything possible to assist the student during distance learning, the MDE awarded compensatory services if the student did not actually participate in the full amount of distance learning services identified in the student's IEP/IDLP/CLP.

One common thread throughout these recent decisions appears to be that the MDE does not consider distance learning services to be effective if the student does not actively engage in the plan. Indeed, the MDE recently recommended "that school districts and charter schools focus on authentic engagement of students with disabilities and their families in determining students' need for services and support in order to mitigate the impact of extended school facilities closures related to COVID-19 on their learning."⁵ The recent complaint decisions reinforce this line of thinking, as the MDE's bottom line in determining whether the school district complied with the IDEA was whether the student actually participated in the distance learning services, not whether the services themselves or the district's efforts to provide the services were appropriate based on the student's needs.

Although previous MDE complaint decisions often considered whether and to what extent the student was harmed by the (alleged) failure to provide services, the recent complaint decisions about distance learning do not thoroughly—or, in some cases, at all—analyze whether the student suffered any educational harm. In addition, due to the change to distance learning, progress data, grades, and other evidence that may demonstrate that a student received a FAPE despite missing distance learning services, has sometimes been unavailable or unreliable. In many of these complaint decisions, the complainants asserted that the student was not making progress during distance learning while the educators asserted that the student was making progress. Especially in the absence of concrete progress data, the MDE has not addressed the question

of educational harm and, instead, has simply looked at whether and to what extent the student actually participated in distance learning. The MDE has also urged school districts "to encourage and fully consider information provided by parents/guardians regarding their student's ability to access remote learning and the student's progress during periods of distance learning."

Recommendations. As school districts move forward, the most important takeaway from these recent MDE complaint decisions is that actual participation in distance learning matters. It is not enough for educators to make efforts to allow (or encourage) a student to participate in distance learning services. If the student is unable (or unwilling) to participate in distance learning services, the MDE will likely require compensatory services. Schools would be well to:

- Communicate now with parents/guardians to obtain their input about services and whether their student might require compensatory services. One district in Arizona asked parents whether their student required compensatory services, and more than half answered no. Some of those parents did not want to burden students with summer school or additional requirements as the nation comes out of the pandemic.
- Let parents know what the general education opportunities are and how their student can participate.
- Review your progress data, and other evidence documenting the district's efforts. Get out in front – if the data does not support that the student received all her services, talk with parents about make-up time. If a child did not make progress or the data is not available, talk to parents about compensatory services.
- Include special education and Section 504 learners in the evaluation of skills as schools return in-person.
- Use the Prior Written Notice to document parental input and inform parents of options.

These recommendations are based on

MASE CALENDAR

2021

April 8

MASE New Leaders Cohort - Directors' Session
2-4pm, Virtual

April 9

MDE Special Education Directors' Forum

April 16

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

May 7

MDE Special Education Directors' Forum

May 12

MASE New Leaders Cohort - Full Group
Virtual Session

May 12-14

MASE Best Practices
Virtual Conference

June 11

MDE Special Education Directors' Forum

June 24-25

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

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 27

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

October 27-29

MASE Fall Leadership Conference

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

March 10-11

MASA/MASE Spring Conference
Minneapolis Marriott NW, Brooklyn Park

March 18

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

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the existing peacetime emergency order and corresponding executive orders and guidance from the MDE. The COVID-19 pandemic and resulting impact on education has created an exceptional set of circumstances in which a typical compensatory education analysis has shifted. Our recommendations are therefore limited to these singular times and subject to change. Even at present, in the context of a due process hearing, our compensatory education analysis would differ. ●

1. Guide to Addressing the Impact of the COVID-19 Pandemic on Students with Disabilities (February 2021).
2. Complaint Decision 21-021C
3. Complaint Decision 21-012C
4. Complaint Decision 21-005C
5. Guide to Addressing the Impact of the COVID-19 Pandemic on Students with Disabilities (February 2021) pp. 2-3.