

North Dakota IDEA (Part B) State Advisory Committee
Bismarck, ND
ND Department of Human Services Conferencing System
March 5, 2009

Attendance: Tyler Hanson, Bob Rutten, Kathy Smith, Deb Baldson, Alison Dollar, Teresa Monicken, Lynn Dodge, Ed Boger, Carol Jabs, Tara Bitz, Tana Houser, Rita Weisz, Kyle Edgerton, Robbin Hendrickson, Edna Keller, Barb Swegarden, Lori Garnes.

The meeting was called to order at 1:05 pm. Bob Rutten reported there was some freezing rain in the northern part of the state which may affect some committee members' ability to attend the meeting. December minutes were approved with no corrections. Bob Rutten announced the addition of a new member, Chelsi Collins. Chelsi is a student at BSC and will service in a consumer capacity.

ND IDEA 2008 Annual Performance Report

Alison Dollar reported on the 2008 Annual Performance Report that was submitted to OSEP on January 30, 2009. Some of the new activities related to the overall ND SPP indicators include the ND longitudinal data system, the state wide web-based special education case management systems and data improvement planning core team, the core team includes the DPI Title I, Standards and Achievement and Special Education units. Some of the new activities related to specific indicators include the parent involvement taskforce team and the disproportionate representation taskforce team.

Indicator 1 (Graduation Rates): the state met its target.

Indicator 2 (Dropout Rates): the state did not meet its target. The state is working on this target for better data accuracy. Some of the school districts could be entering in this data code by accident. Kyle Edgerton asked if the information captures students from private schools. Bob Rutten informed Kyle that private schools are not included in these data. For federal reporting purposes, NDDPI cannot include private students. Kyle felt that for a clear picture of what is going on in North Dakota that a separate data collection should be made to include private students. Alison stated they will discuss this at their next staff meeting.

Indicator 3 (Participation and Performance in Statewide Assessment): the state met three of the six targets. The targets for 3A were not met; the targets for 3B were met for both math and reading; and the targets for 3C were met for math but not reading.

Indicator 4 (Students with Suspension/Expulsion): The target is zero percent. ND met the target.

Indicator 5 (LRE): The state did not meet its target for students removed from regular class than 21% and students removed from class greater than 60% of the day. The state met its target for students served in public or private separate school, residential placements, or homebound or hospital placements.

Indicator 8 (Parent Involvement): The state met its target and has met this target every year.

Indicator 9 (Disproportionate Representation by Race/Ethnicity) and Indicator 10 (Disproportionate Representation by Race/Ethnicity and Disability Category): Currently, these are the only two indicators that have a two-part formula. The district must meet the target by both data requirements and appropriate identification of children receiving special education services. The state met its target. Indicator 11 (60 Day Timeline): The state has increased every year, currently at 98.4%. OSEP sets the target at 100%.

Indicator 12 (Transition from Part C to Part B): There has been a big increase from 90.09% to 95.2%. This again is set at 100% target by OSEP.

Indicator 13 (Coordinated, measurable, annual IEP goals and transition services): The state is at 96.3%. OSEP sets the target at 100%.

Indicator 14 (Percent of students competitively employed, enrolled in some type of PS school, or both, within one year of high school): The state met its target. Deb Baldson asked if the students had to complete the post-secondary program they were enrolled in. Alison clarified that even if a student attended a school for a month they are considered to have been enrolled.

Bob Rutten expressed concerns that he feels many special education teachers are unfamiliar with the State Performance Plan and Annual Performance Report. Barb Swegarden thought many special education teachers may feel that it is not their area of concern. Barb suggested administrators try to do a better job of tying it all together for teachers.

Administrative Rule Update: SPP/APR Indicator 11 Exceptions

Bob Rutten reported on a proposed administrative rule change related to Indicator 11. Indicator 11 is the percent of children with parental consent to evaluate, who are evaluated within 60 days (or State established timeline). Historically the state does very well on Indicator 11. The standard of 60 days is a federal mandate. Recently, the state had a case where there was a death of a family member and the child was not evaluated within 60 days. Based on this and other reasonable but extenuating circumstances, like extreme weather, the state considered adding the following exceptions:

1. Extreme weather
2. Access to a qualified evaluator is so limited that the evaluation cannot occur in the initial 60 days

The proposed rule change has already been out for public comment. The comments received were very supportive of adding the additional exceptions. The department still has to present the exceptions to a legislative committee for final approval before the rules would go into effect.

Lori Garnes in Minot asked about the example of a death in the family. Alison clarified that the particular case cited was a death in the family of the evaluator but that a death in the family of the child would also fall under the exception. Bob also gave the example of the Grand Forks flood in 1997 and the tornado in Northwood last year as reasonable exceptions.

2009 ND State Legislative Assembly: Special Education Update

Bob Rutten reported that NDDPI will be receiving approximately \$27 million in additional funding to LEAs for IDEA B and Preschool through the *American Recovery and Reinvestment Act*. The additional funding will be available to LEAs starting May 1, 2009 through September 30, 2011. There is some speculation within the education community that this influx of new federal funds for special education could become a new base for funding in subsequent years. However, the President and U.S. Department of Education have made it very clear this is a one-time increment in IDEA funding and should be used for short-term investments that have the potential for long-term benefits, rather than for expenditures that LEAs may not be able to sustain once the recover funds are expended.

Bob also highlighted some special education related bills that may be of interest to committee members:

HB 1075 – relating to special education multidisciplinary team member. This bill would have required an additional member when a student is open enrolled. It was defeated on the House side.

HB 1400 – This is the major education bill that includes foundation aid payments, etc. Our funding for special education is embedded in this bill. This bill resulted from the work of the ND Commission on Education Improvement.

SB 2174 – This bill would create an autism taskforce to create a state autism plan which would enable ND to access additional federal funding to address the needs of persons who have autism.

National Instructional Materials Accessibility Standard (NIMAS) Report

Teresa reported on House Bill 1078 which relates to the National Instructional Materials Accessibility Standard (NIMAS). Bill 1078 was introduced to expand the mission of NDVS/SB in order to accommodate additional students with print disabilities and also to provide support of a .5 FTE to carry out the new duties. Print disabilities include: blindness or low vision, physical disability that prevents the student from accessing the printed page or a reading disability. It is estimated that 5% or 211 students, qualify to receive the specialized instructional materials. House Bill 1078, if passed, would provide students with print disabilities more timely delivery of the materials to ensure they receive them at the same time as their nondisabled peers.

The House appropriations committee removed the .5 FTE and the funds to accompany the position. The Senate appropriations committee also removed the .5 FTE and the funds to support it and recommended a do pass March 3, 2009. Teresa will provide an update regarding this bill at the June meeting of the advisory panel.

Requirements for Speech-Language Pathologists in ND Public Schools

Teresa Monicken gave a historical perspective on the requirements for Speech-Language Pathologists (SLPs) in ND schools. Bob noted that Teresa will be requesting the committee's input at the end of the presentation regarding recommendation for or against Bachelor level SLPs to continue to be licensed. She will bring the committee's recommendation to DPI's Management Council.

In 1965 the American Speech-Language and Hearing Association (ASHA) adopted a master's degree as the minimum standard for certification of SLPs in all employment settings, including schools. Until 1980, three levels of SLP credentials were issued in North Dakota. This was repealed in 1983 to require all SLPs entering the field to have a master's degree. The existing bachelor level SLPs were grandfathered in. NDDPI provided two separate opportunities for bachelor level SLPs to obtain their Master's degree at no expense to the SLPs. This was first offered from 1988-1991 and again from 2000-2005 funded through the State Improvement Grant. The North Dakota Board of Examiners agrees to continue to license the existing grandfathered bachelor level SLPs until they retire from their present position, after which, they would no longer be eligible for licensure.

Marilyn Keller, a Bachelor level SLP spoke to the committee about her experiences in the field. She read letters from a former colleague, grandparent of a student and a former student. She cited a busy family life, particularly a son with special needs as some of the reasons why she was unable to take advantage of the opportunities provided by DPI to obtain her Master's degree. Marilyn also spoke about the SLP shortage in rural North Dakota and how that would be affected if grandfathered Bachelor level SLPs would no longer be able to serve students. She asked the committee to consider allowing current Bachelor level SLPs to continue to be licensed.

Teresa stated that after researching the issue a great deal, she doesn't feel there is a legal authority to deny the bachelor level SLPs. She recommended continuing to license grandfathered SLP's until they retire from their present positions. Barb Swegarden concurred with Teresa's recommendation. Ed Boger recommended a vote to recommend to the management council of DPI to continue to license the Bachelor level SLPs until they retire. Tyler called a vote and the motion carried.

Title I/Special Education Collaboration

Bob introduced, Lynn Dodge, a new employee with DPI. Lynn was hired to promote collaboration between special education and the Title programs. Lynn explained that both areas frequently teach the same students, especially in small rural schools and need similar professional development. She noted that with students teachers are always trying to build background knowledge. Her position formalizes collaboration that was already in existence and reflects the department's move toward comprehensive program and school improvement planning. Title I and special education are not mutually exclusive and students can be served in both. Some of Lynn's activities include developing a Title I and special education joint conference, assisting with monitoring and program improvement activities, developing a communication system to reach teachers in both programs, and surveying teachers in both programs to develop her job description. She is also coordinating joint professional development. One accomplishment since Lynn's been with DPI is the "Team News" Title I and special education newsletter. Bob Rutten and Laurie Matkze, the Title I Director, both gave reports in the first issue. Topics are of interest to both special education and Title I staff. This June Lynn will be coordinating the Summer Symposium that will offer two trainings regarding Response to Intervention (RTI).