

IDEA Advisory Committee Meeting
June 3rd, 2009

IDEA Members Present: Tyler Hanson, Carol Jabs, Edna Keller, Lisa Bjergaard, Deb Huber, Lori Garnes, Terry Waldberg, Kathryn Erickson (by phone)

ND Department of Public Instruction Staff: Bob Rutten, Kathy Smith, Alison Dollar, Gerry Teevens, Lynn Dodge, Nancy Skorheim

Under the agenda item related to “membership concerns”, Bob Rutten explained that several committee members had contacted them expressing their regrets that they will be unable to attend today’s meeting. Bob introduced Deb Huber, who joined the committee serving for Career and Technical Education. Bob informed the committee that Katie Knoll elected to resign from the committee due to personal issues.

Bob reminded the committee that the Federal regulations do not stipulate how many meetings the committee must have each year. He welcomed advice from the committee for suggestions on how many meetings they feel the committee should have each year in light of the number of personal challenges members have. Carol Jabs would like more meetings she can do from her personal computer such as “Go to Meeting.” Kathy Smith informed the committee that the state Special Education office recently purchased “Webex” meeting software which could be utilized for the committee meetings. Another idea was to have more meetings but much shorter meetings. Kathy and Bob will take a survey of the committee and report back at the next meeting.

The agenda item, “American Psychological Association: Proposed Removal of School Psychologist Exemption” was cancelled due to a personal conflict of the presenter, Tamara Waters-Wheelers. Tamara would like to present her agenda item at the next meeting. In substitution of that agenda item, Bob Rutten and Kathy Smith will report on the American Recovery and Reinvestment Act.

Topic: Legislative and Administrative Rule Update

HB 1044 requires the Department of Human Services to develop an interagency advisory council on transition aged youth at risk. HB 1078 was sponsored by NDDPI and is for the acquisition of instructional materials in alternate formats. This bill provides accessible instructional materials in alternate formats for student with print disabilities in addition to students who are blind or visually impaired. HB 1556 directs the Department of Human Services to study the methodology and calculations for the rate setting structure used for reimbursing licensed developmental disability (ICF/MR) and home and community-based services providers for medically fragile and behaviorally challenged individuals. HB 2155 relates to hearing impaired students in institutions of higher education. This legislation appropriates funding for the ND School for the Deaf to provide grants to assist institutions of higher education in the state in providing interpreter and real-time captioning services for students who are deaf or hard of hearing. SB 2174 creates an autism spectrum disorder task force with designated

membership. SB 2423 directs the Department of Human Services to conduct a review of the audit and reimbursement process for private providers for individuals with developmental disabilities. HB 1400 is the big education program and funding. Tyler commented that there is now a cut off of an ACT score of 24 to get a scholarship. He was wondering if the special education students were included in the discussions when that score was determined. Bob suggested we invite to the next committee meeting, an individual from the NDDPI or the Education Commission who would be more familiar with HB 1400 to get a better understanding of how some of these decisions were made.

Bob gave an update on the Bachelor level Speech Pathologists (SLP) requirements. The NDDPI took the advice of the committee to support individuals continuing in their positions until they retire. The NDDPI requested that the ND Education Standards and Practices Board amend the Administrative Rule to allow the bachelor level SLPs who were grandfathered in to continue to be licensed as long as they remain in their current position within a ND school. The request was approved.

Administrative Rule Update: The amendment to the administrative rule proposed would allow an extension in the evaluation timeline of 60 days in the event of extreme weather or circumstances and the NDDPI could establish a qualified evaluator was not available. The NDDPI is still waiting for a letter from the ND Legislative Council on when there will be a meeting of the Administrative Rules committee. Presumably the rule will pass and if so, it will take effect October 1st of this year.

Topic: American Recovery and Reinvestment Act (ARRA)

The North Dakota Department of Public Instruction (NDDPI) received approximately \$28 million in ARRA funds for special education. The funds are available through September 30, 2011. OSEP highlighted five priority areas for uses of funds. They include: assistive technology devices and training, intensive district-wide professional development, develop or expand the capacity to collect and use data, expand the availability and range of inclusive placement options for preschoolers with disabilities and hire transition coordinators. Kathy noted that any IDEA eligible expenditure is allowable. Since the funding will expire September 30, 2011 the Department is urging special education units to use caution when hiring additional staff. The NDDPI is encouraging the special education units to spend their funds on one time research based purchases. The special education unit ARRA applications have started to trickle into NDDPI. Kathy expects most of the unit applications will be received by the fall. The NDDPI will be required to report quarterly to OSEP on the use of funds. As subgrantees, the special education units will also be required to publicly report on the use of the funds.

Topic: State Personnel Development Grant (SPDG) Update

Alison Dollar gave an update on the SPDG grant. The recruitment subcommittee completed the brochure and distributed them to special education units last week. Subcommittee members will distribute the press release/newspaper article to special education offices, university personnel, and locations in other states. Carol Jabs noted that Minnesota has been identified as a target area due to the economy and loss of jobs in the state. Alison is also checking with DPI MIS about tracking the number of hits on the brochure on the website and to centralize all of these materials in one location. The new teacher orientation checklist is finished and ready to be used by field personnel. It is posted on

an interactive format on the SPDG website. The document can be adapted and used in a variety of ways that consider the new teacher's position and level of experience. The mentoring manual should be ready for use sometime this summer.

Topic: State and Local Levels of Determination

Alison Dollar reported that the NDDPI received their determination letter from OSEP yesterday. The NDDPI is in the "meet requirements" level. This is the first year that the NDDPI has reached this level. Alison pointed out that some of the reason why the Department was determined at lower levels of determination in the past is because they lacked the reliable data. The Department has worked hard to ensure they have the reliable data. Lori Garnes commented on how disheartening it was in previous years when the state was ranked as "need intervention" because of lack of reliable data. She congratulated the Department on all their hard work. Alison reminded the committee that the Department requires the districts to meet requirements on all indicators even though OSEP does not yet include all the indicators in their levels of determination. The committee recommended the Department follow OSEP's model.

Lunch

Topic: The way we were and where we're going: Changes in Special Education

Bob was recently introduced to a group of older citizens who grew up in North Dakota without the support of special education. From that conversation, Bob thought it would be interesting to reflect back on what it was like before there was special education. Two of the "pioneers" in advocating for services for individuals with disabilities, Kathryn Erickson and Terry Woelber, agreed to talk to the committee about their experiences. Kathryn pushed to involve parents in the education of their children with disabilities through the Pathfinders parent training and information center. She also has a daughter with a disability. Because of that she became interested in establishing a parent information service organization, i.e. Pathfinders. Pathfinders is nearing 22 years of operation. Terry also has a daughter with a disability. When she was born he was told by the doctor that if she lived she would need to be sent to the state operated residential facility in Grafton because the family would be unable to care for her. There was no support in the education system and there was nobody to help them. He felt they had to fight every step of the way for support. This presentation helped committee members understand the importance of the IDEA in ensuring that children with disabilities receive a free appropriate public education.

Topic: Ensuring Alignment when IDEA Part B and C have Separate Lead Agencies: The need for collaborative planning

Nancy Skorheim presented on the topic of ensuring alignment between Part B and Part C. In particular she addressed indicator 12 of the state performance plan which is the "percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. A survey was given to early childhood special education professionals asking for their opinions as to what the major issues/challenges are relating to the transition of children with disabilities from Part C to Part B and possible solutions. Many of the concerns

expressed were the result of different software systems by Part C and Part B. The NDDPI utilizes the TIEnet system where the NDDHS utilizes the IFSP system. This creates a duplication of assessments, increased risk of input error, etc. Another concern was that Part B uses the ND Early Childhood Outcomes process for measuring skills and progress and Part C uses the Oregon process. Some suggestions in the surveys was to better align Part B and Part C. After some discussion, it was decided that this topic should be addressed at another meeting when Deb Balsdon is in attendance.

Topic: Secondary Transition and the Community of Practice

Gerry Teevens reported on North Dakota's involvement, along with 11 other states, in a National Community of Practice on Secondary Transition (CoP) to deepen engagement of stakeholders. The goal of the ND State Transition Steering Council has been to move beyond an advisory council to a community of practice. Communities of practice are a way of working to involve those who do shared work on common issues. The membership of the advisory council is actively involved in sharing practices and working on transition issues for students with disabilities with those in other agencies and family members across the state. They recently formed four practice groups: assessment needs of youth for postsecondary environments; youth leadership; sharing of information for teachers, students, school staff, families and other agencies; and health care needs transition. The team also recently attended the national community of practice on transition conference May 10th and 11th in Charlotte, North Carolina.

Topic: Evolving Terminology regarding Disability Categories

Lori Garnes asked Terry Woelber for his opinion on the current use of the term "retardation." The term is still used in North Dakota because it is still in the Federal IDEA law. Terry is uncomfortable with the term and is a believer in the "People First" language. Lori shared with the committee a letter she received from a concerned citizen who was "appalled" upon learning that Minot State University offered a degree in mental retardation. Bob Rutten stated that the same concern had been brought to the NDDPI special education office. The committee understood the concerns and also that the terminology is always a moving target. Tyler Hanson commented that it is easier to tell a parent their child has noncategorical delay than to tell parents their child has mental retardation. Carol Jabs was concerned that some parents may not realize the severity of the disability if different terminology is used. The committee asked Bob Rutten to get a feel for the Federal standpoint and whether it is possible the language will be changed in the near future. Bob will report back to the committee and the committee agreed to revisit the issue at that time.

Topic: Summer Symposium and Fall Conference

Lynn Dodge presented on collaborative professional development between special education and Title I. There is a summer symposium at Bismarck State College coming up June 18th through June 25th. This training can be taken for college credit and will be focused on math instruction and reading. The conference is only \$30. There will also be a fall conference at Bismarck Civic Center beginning October 7th through October 9th. The training will include: RTI, PBS, math, autism, parent involvement, pre-school, coaching and general and special education collaboration. Lynn is also working on a series of teleconference/webinar trainings. The training could be completed over the internet so no travel would

be required. Possible topics include: Universal Design Learning (UDL), autism, RTI and bullying. Lynn envisions one 90 minute session once per month. She would also like to archive the sessions so new personnel would be able to access them upon employment.