

IDEA Advisory Committee Meeting
Wednesday, September 9th, 2009
Comfort Inn
Bismarck, ND 58503

IDEA Members Present: Tana Houser, Tyler Hanson, Ed Boger, Debra Huber, Carol Jabs, Lisa Bjergaard, Cathy Haarstad, Lori Garnes, Kyle Edgerton, Pam Aman, Robbin Hendrickson

ND Department of Public Instruction Staff: Bob Rutten, Kathy Smith, Alison Dollar, Nancy Skorheim, Lynn Dodge, Gary Gronberg, Wayne Sanstead

Guests: John Copenhaver, Jerry Balzer

Bob introduced two new members to the committee, Cathy Haarstad and Pam Aman. Cathy recently accepted the position of Executive Director of the Pathfinder Family Center, North Dakota's official parent training and information (PTI) center. Pam is the Co-Director of the Oliver-Mercer Special Education Unit based in Hazen, ND.

Bob shared regrets of several members who contacted the ND Department of Public Instruction who will not be able to participate in today's meeting.

Election of Officers: Tyler requested recommendations for chairperson of the IDEA Advisory Committee. Cathy Haarstad nominated Tyler for a second term and Carol Jabs seconded. Tyler accepted the nomination. Carol Jabs nominated Ed Boger for Vice Chairperson and Tana Houser seconded it. Ed Boger accepted the nomination.

IDEA Meeting Structure Survey: Bob reported back to the committee on the survey that was sent out to the committee regarding the IDEA meeting structure. The responses were split between preferences for face to face, IVN and combination of face to face and IVN meetings. In light of these responses, the Department feels the current structure, combination of face to face and IVN, serves the greatest number of people best. Bob opened it up for comments and suggestions from the committee. Kyle Edgerton thought there may be better attendance if the June meeting was a little later due to end of school wrapping up. John Copenhaver shared that states with similar demographics as North Dakota typically have quarterly meetings and meet physically with the option to teleconference. John shared that the State will more than likely be monitored by the Office of Special Education in the next couple of years. He noted that if there were any changes, they should be addressed in the bylaws. Lisa Bjergaard really feels strongly that services such as "Go to Meeting" are reliable and work well. After some discussion, the committee recommended the State give an option at each meeting to either come in face to face or call in for the meeting.

Topic: Evolving Disability Terminology

John Copenhaver passed out several booklets including, "Disability Awareness: A Primer for People First Language." Bob refreshed the IDEA Committee members on how this topic came about. Bob shared that Lori Garnes with Minot State University had received a letter from a citizen wondering why the University used the term, "mental retardation." The term is still

included in the federal regulation which is why the State of North Dakota has continued to use it. John Copenhaver reported that part of the problem resulted from a history of being associated with the medical model and a general low regard for persons with disabilities. Some of the language of the past includes, “insane, impaired individual, handicapped, the retarded, the blind, the deaf,” etc. Textbooks out of the 1970’s and 1980’s categorized mental retardation in three categories: imbecile, moron and idiot. Individuals with disabilities are moms, dads, sons, daughters, employees, neighbors, etc. They are people first, and language has changed over time to be more respectful. The U.S. Department of Education, Office of Special Education Program (OSEP) and the IDEA regulations continue to use the terms “mental retardation” and “autism.” Many states continue to use the term “mental retardation” as a category and teaching endorsement. Many advocacy groups did not want to change the language from mental retardation when it was considered for change by OSEP. Kyle Edgerton pointed out that when someone comes in to give professional development, they never use these terms and is frustrating that others don’t get it. Carol Jabs pointed out that teachers are getting creative at finding other acceptable terms to use with parents. It is currently up to each state to choose what terms they will use. Some options include, “cognitive disability, cognitive impairment, intellectual disability,” etc. John showed a slide of the different terms used by different states. Tyler pointed out that it can be frustrating when states use different terms for the same disability. In 1997 there was some movement at the federal level when the word “handicapped” was replaced with “disability.” Many states have also moved toward the term “autism spectrum disorder” rather than “autism” since we now know and understand that the word autism does not capture the wide and diverse characteristics and range of this disability. John reminded the committee that one of the functions of the committee is to advise the State regarding unmet needs and this issue would serve under that function. The committee will resurrect this issue when the IDEA is reauthorized and send in their recommendations to OSEP at that time. John also pointed out that all that he is hearing from the federal level that the terms “mental retardation” and “autism” will be changed with the next reauthorization. Deb Huber recommended a subcommittee be formed to discuss the item further. Cathy Haarstad also liked the idea of a subcommittee. John Copenhaver offered to do some further investigation on how other states went with the terms “noncategorical.” Tyler suggested that a parent be included on the subcommittee and Cathy Haarstad offered to fill that role.

Topic: NDSB Future Services Plan

The North Dakota School for the Deaf (NDSB) motto is “looking back with pride and looking forward with confidence.” Nancy Skorheim reported that a bill passed by the ND State Legislative Assembly, HB 1013, requires the NDSB and North Dakota Department of Public Instruction (NDDPI) to review the needs of the deaf and hearing impaired persons throughout the state and develop a plan to provide comprehensive outreach services to all ND citizens who are deaf or hearing-impaired. The study will look at the whole picture - what has been working in other states and what may work in North Dakota. Nancy clarified that this is a transition planning process to look at what is available now, what are the needs of the State, and how we will meet those needs. The transition team will dig in and help to develop a transition plan for the future. Bob Rutten reminded the committee of John Copenhaver’s regional and national perspective and hoped John could help the state explore the development of partnerships with other states relating to the provision of residential and educational services to individuals who are deaf or hearing-impaired. The transition team is comprised of various groups including

parents of NDSB students, NDSB employees, legislators, etc. The transition team will also look at potential revenue sources and what are the state and national trends. Current state data will be reviewing as well as other information gathering techniques such as surveys, focus groups and interviews with individuals. The Consensus Council has been involved in helping build agreements and resolve differences, primarily on the issues of public policy within the ND, the region, nationally and on an international basis. The NDDPI has had prior experience with the Consensus Council and other groups like them and felt they could facilitate this transition team. The Consensus Council was the successful bidder after a formal Request for Proposals. The NDDPI is currently determining the transition team members. Beginning in October, monthly meetings of the transition team will start. In May the Future Services Plan and budget will be finalized. John Copenhagen reported that several other states have closed their School for the Deaf and some are in the same place as North Dakota in trying to determine how to proceed. Bob reported that some of the suggestions are to open the NDSB to individuals outside of the State. Kyle Edgerton thought some of the issues are parallel with English Language Learners (ELL) and how educators serve ELL students. Cathy Haarstad commented that she always received great outreach services from the NDSB but had a friend who's daughter didn't do well enough with outreach and did much better when included at NDSB. The cost of educating a student who is deaf at the NDSB is around \$70,000, which is significant and something legislators watch closely. Lisa Bjergaard was curious if there were legal ramifications in other states that have closed their State schools for the deaf. Bob confirmed that there have been lawsuits in other States that have closed their residential schools for the deaf. Gary Gronberg summarized that since NDSB is a government funded service the numbers will drive the decision, whether it be the number of students or the cost of the service. John Copenhagen commented that Nebraska and Wyoming are good states for North Dakota to review since they went through a similar process.

Lunch

Topic: An Overview of House Bill 1400

This agenda item was moved to the afternoon due to time constraints. Gary Gronberg gave a brief summary of HB 1400. North Dakota was in a unique situation this last legislative session with the infusion of funds from the American Recovery and Reinvestment Act (ARRA). ND is a state that is traditionally a local control type of state. The change coming with the ARRA is to more of a centralized system, rather than a decentralized system. Is the state interested in such programs as Race to the Top? Are we interested in national benchmark standards? These types of questions are some of the questions arising from the collision of a traditionally local control model and the federal model. Gary reported there are a lot of incentives, in the form of money, if the State makes the changes towards the federal model. HB 1400 attempts to lead the State in a direction that was based on a study by consultants hired by the ND Education Improvement Commission. HB 1400 is a collection of those recommendations the commission suggested to the legislature that will make a difference in the quality of educational services. Gary stated that one of the most significant changes for students with disabilities is the graduation requirements. HB 1400 reduced the ratios for School Counselors from one to every four hundred to one to every three hundred students. The accountability measures included in ARRA are intended to reduce the achievement gap for low income students, etc. Gary commented that data is now driving improvement planning. Gary reiterated that we are in an exciting time of change in

education. Cathy Haarstad spoke of a flow-through project at Pathfinder Family Center for parent involvement in schools. The Department of Education has recently put out regulations on what will happen to low performing schools, such as replacing the building principal and some of the staff. She is wondering how those things would happen in North Dakota with lack of human resources. Robbin Hendrickson asked about the ARRA reporting requirements. Kathy Smith informed the committee that the ARRA reporting requirements are quarterly and includes such things as the number of jobs saved or created, total number of funds spent and vendors over \$25,000. Bob highlighted Section 14 of HB 1400. This is the section that stipulates what courses you must offer in order to be considered a high school. Ed Boger asked about economics and was wondering where this came from. Gary Gronberg stated that NCLB requires economics, thus, if you receive federal funds, you must provide for economics. There are also Career and Technical Scholarships available now through HB 1013. Ed Boger asked if there was going to be any changes to the state assessment anytime in the near future. Gary reported the NDDPI just awarded the assessment contract to the same contractor as before. Several eastern states have adopted common standards and assessments and that is what the assessment development companies are interested in pursuing.

Topic: State and Local Levels of Determination

Alison Dollar requested to postpone the Levels of Determination due to time constraints and go over it during the December meeting.

Indicator 7 focuses on the percent of preschool children with IEPs who demonstrate improved positive outcomes. This February 2010 that information will be included in the State Performance Plan. It will be included in the Annual Performance Report (APR) in the February 2011 and 2012 APR. The two new summary statements used in the SPP measurement are: *Of those children who entered the program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program; and the percent of children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.*

Cathy Haarstad asked where the data come from that she uses and Alison informed her it is from the Preschool programs. Patterns in the statewide and unit data will be analyzed for rural versus urban, higher and lower entry and exit scores, staffing and participation in professional development. DPI also compares the summary statement data by LEA to identify which LEAs have the most potential for improvement.

Indicator 13 is the post-secondary goals indicator. It has been revised and now includes all 6 of the previous checklist items used for monitoring; two more components were added. The new indicator reads:

Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that

will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

Because of the change in this indicator, we are proposing accepting the new checklist developed by the National Secondary Transition Technical Assistance Center (NSTTAC). This new checklist contains all 8 components which will ensure compliance to the indicator. The new checklist will be included in ND's online case management system so case managers can use it while developing the transition IEP and self-monitoring.

Kyle Edgerton asked if there was any way the private school could be monitored because he would like a review to ensure they are in compliance. Bob said that would be possible for improvement planning purposes.

Bob stated he would very much appreciate direction from the Committee regarding whether to include all eight questions in the indicator. Carol Jabs and Pam Amen stated they have no objection to it. Ed Boger made a motion to approve all eight questions and Tyler Hanson seconded it.

Topic: ND State Personnel Development Grant – Update

Alison Dollar gave an update on the ND State Personnel Development Grant (SPDG). The State is currently in between its third and fourth year of the five year grant. There are two coordinator positions to the grant. The first coordinator is responsible for oversight of the SDPG goals; Jeanette Kolberg is handling these coordinator responsibilities. The second coordinator is a new position with oversight of work related to various autism projects. The NDDPI is reconfiguring the SPDG Taskforce to the SPDG Advisory Committee. Lynn Dodge currently serves in this position.

Lynn reported that she is working on developing the needs assessment. Lynn recently met with staff from the Anne Carlsen Center for Children and the University of North Dakota to find out what trainings they have made available to school districts. They are in the process of expanding the availability of trainings, especially in the western part of the state which is traditionally underserved compared to the eastern side of the state. Lynn would like to get representation from different parts of the states to find out what the field needs. Lynn would also like to update the NDDPI's guidelines on autism. Robbin Hendrickson noted that some surveys in the past found some areas of eastern North Dakota to be underserved rather than the western part of the state. Lynn said the smaller more rural districts do not have the support as Fargo or Grand Forks.

Topic: Enhancing Parent Involvement in Special Education

The NDDPI is in the process of creating a Parent Involvement Taskforce to discuss strategies to increase parent involvement in ND schools (indicator 8). This taskforce will include statewide family organizations, district superintendents, Special Education unit directors, general and special educators, and parents. The intent of this taskforce is to increase parent involvement with a focus on minority populations. This taskforce will begin in this fall and results will be reported

in the 2010 submission of the APR. Cathy Haarstad commented that this indicator seems to be more how did the school facilitate parent involvement rather than looking at the amount of time parents are actually involved in their child's education. Alison commented that another part of the task force is to get statewide representation in this survey also. Bob said the state is really anticipating contacting some of the IDEA Committee Members for some assistance with this.

Topic: RTI/PBS: Statewide Scale-up Planning

Bob gave a brief update on Response to Intervention (RTI) and Positive Behavior Support (PBS) in Brenda's absence. The NDDPI has been working hard on a request for proposals to scale-up PBS and RTI services in the state. The request for proposals brings together activities for the ARRA and existing provisions within IDEA 2004 that provide funding flexibility under the coordinated early intervening services. One third of elementary schools have been trained on RTI. The request for proposals is to make RTI and PBS more available to schools between the years 2009 and 2011 to coincide with the ARRA funding period. What the NDDPI is issuing with the request for proposal is for two competitive grants to manage the deliverables (RTI and PBS) to meet local needs. Tyler commented that he had found it difficult to include Title I staff in with RTI because of the stringent Title I regulations. Pam Aman agreed that Title I is limited to the Title I students. Bob hopes to report more in December.

Topic: DPI Office of State Education Updates

Bob Rutten gave some announcements. The NDDPI Office of Special Education currently has two open staff positions, including a Preschool position and a Research Analyst position. This position would be new but the Department has had some challenges in filling the position. During this past year there has been some movement within the Special Education units. Buffalo Valley and Dickey Lamoure Special Education unit dissolved and reconfigured into the James River Special Education Unit and there is a new Special Education Unit, Jamestown Special Education Unit. Also, the Cavalier district moved from Pembina Special Education unit into the Upper Valley Special Education unit.