

North Dakota IDEA (Part B) State Advisory Committee
Bismarck, ND
ND Department of Human Services Conferencing System
December 3, 2008

The meeting was called to order at 1:22 p.m. CDT.

Attendance: Tana Houser, Lisa Bjergaard, Ed Boger, Jim Carter, Lori Garnes, Edna Keller, Tyler Hanson, Carol Jabs, Robbin Hendrickson, Tara Bitz, Kathy Smith, Bob Rutten, Alison Dollar, Teresa Monicken.

Bob Rutten reported to the committee that he and Kathy Smith met with members of the Executive Committee regarding meeting structure and hardship of members attending two day meetings. There were also concerns over the productivity of IVN sessions. Further discussion will be held tomorrow at the Joint IDEA/IDCC Committee meeting.

Bob announced that Kathy Smith, Grants Manager of Special Education Programs will be assisting Bob Rutten with coordination of the IDEA Advisory Committee meeting.

Patrick Moran will be unavailable for his agenda items due to an illness. His agenda items will be replaced with the following items: budget appropriations, emerging state plan on autism, and new IDEA B regulations released Monday.

Stephanie Two Crow was recently offered a new position which has no relation to the homeless. Tara Bitz is the new Homeless Coordinator and will replace Stephanie Two Crow on the Advisory Committee.

Bob Rutten and Kathy Smith tried to contact a committee member who has not attended any meetings. Unfortunately, they were unsuccessful in contacting him. His number is no longer in service so we assume his circumstances have changed. Bob suggested we keep looking for a young adult with disabilities to replace the committee member. Edna Keller suggested we contact members earlier when they do not attend two or more meetings.

Update and Discussion on SPP/APR Indicators 5, 6 and 11

Alison gave an update on Indicator 5, the LRE indicator. Alison said she was originally looking for input in changing the new target percentages. Alison reported that some states are starting to lower their targets and staff wondered if ND should also look at doing the same. After several staff discussions it was determined the targets should not be lowered as they do not want to lower student expectations. Carol expressed concern for Target C, “children placed in separate schools, residential schools or homebound/hospital”, and wondered if other units have issues with target C. Tyler stated that districts should not be penalized when students are placed outside of the district if it is in their best interest. Alison stated that this has been an issue and has come up quite often. Lori wondered if it was a phenomenon of North Dakota being such a

small state and rural areas not having the same options for placement as more populated states. After discussion, it was agreed that having higher standards is always the best choice. Lori suggested that the committee revisit the issue every year.

Indicator 6 is the LRE indicator similar to Indicator 5 but for preschool children. Alison reported that North Dakota is very near or above the national percentage with the majority of services provided in early childhood settings. The indicator has been changed many times. Because of this, the new targets will be based on last year's baseline and this year's goals. The committee was in agreement that this was the only option. By the next meeting Alison will have new data to update every one on.

Lastly, Alison gave an update on Indicator 11, the percent of children with parental consent to evaluate who were evaluated within 60 days (or State established timeline). OSEP allows exceptions for parent refusals or if the child enrolls in another school. Alison informed the committee that the state is doing very well on Indicator 11. This year the state is at 98.3%. OSEP sets the target for everyone at 100%. ND has difficulty in finding medical personnel both in rural and urban communities which sometimes delays as well as inclement weather. NDDPI is proposing that North Dakota add its own exceptions in accordance with OSEP policy. The two exceptions proposed are: 1. Delay due to inclement weather, 2. Delay due to difficulty in finding medical personnel. Documentation would be required to validate the reason of the delay to OSEP. DPI would like to go ahead with the two administrative rules. Lori stated she feels they are perfect exceptions and suggested a "State of Emergency" be added to the inclement weather. Carol Jabs commented that she also concurs. Bob emphasized that the state would like input as to whether the committee feels these are reasonable exceptions and from there, Bob would meet with the Management Council from DPI for approval to proceed with the administrative rules process. From there the proposal would be share with OSEP in our APR. Edna is concerned that if the exceptions are approved they could in certain cases be abused. Alison stressed that appropriate supporting documentation would need to be supplied to the state that the district started trying to set up these appointment within the first few days rather than delaying until the end of the 60 day period. Robbin Hendrickson suggested a stop clock scenario. The committee approved a motion to propose the two reasonable exceptions to the NDDPI Management Council.

SPDG Update

After the afternoon break, Alison updated the committee on Department efforts to employ a new SPDG coordinator.

Teresa reported on the work done by the recruitment subcommittee on Speech Language Pathology. The target audience they identified includes high school seniors, college students, teachers in the field, teacher who have left the field and/or state. Some of the toolkit activities include a brochure, postcard, DVD and podcast. The subcommittee also started a story board for their podcast. The brochure that has been developed is very North Dakota specific. For example, it describes living in North Dakota as, "Bumper to bumper open spaces." Next they

will be printing the brochure and disseminate it to target audiences, tracking number of brochures sent out and developing a method for tracking the brochures. Tyler asked if the state keeps track of the number of SLP graduation rates. Lori commented that 25 people graduate at the end of every school year for Speech Pathology at UND although not very many stay in North Dakota. She stated that many of the graduates are Canadian citizens who return to Canada. Teresa has observed that several Special Education units have been going to the colleges and recruiting while others are paying to send their own personnel to school.

Speech-Language Pathology Related Issues

Teresa gave a short presentation on Speech Language Pathology shortages. The state conducted a survey and received a response from 30 of the 31 Special Education Units. For the 2009-2010 school year, 30 SLP vacancies are predicted. In the future additional vacancies will be likely from bachelor level SLPs retiring. The state has about 30 SLP Bachelors and only about 15 of them want to retire. Because of this the state is considering allowing Bachelor SLPs who pass the PRAXIS SLP specialty exam to continue working in their current position.

Amended part B Regulations

Bob reported that amended Part B regulations were released this Monday. A few issues worth noting: 1. there has been a revision to require that parental revocation of consent must be made in writing. 2. The right of all members of the team to be represented by non attorneys has been revised to apply to any party to a hearing, not just parents. 3. The timeline for Levels of Determination to local districts has been changed from 60 days to 120 days. Bob stated he would try to give a further update about these changes at the March meeting.

State Autism Plan

Bob participated in a meeting November 14th focused on developing a state autism plan. The preliminary meeting involved some parent organizations specifically related to autism as well as some other stake holder groups such as the Anne Carlsen Center, the ND Center for Persons with Disabilities, Blue Cross Blue Shield of ND, and local special education administrators. The major purpose is to look at possible gaps in services and services coordination in our state as it relates to people with autism. The taskforce is meant to cover the lifespan of individuals with autism. More information will be provided as it develops.

Budget Appropriations

Bob submitted a draft of his budget presentation to the legislators yesterday. He wanted to share with committee members some of the items he included in the draft to put things into perspective for legislators. Bob highlighted the documented decline in total enrollment and the large number of children and youth who continue to need special services. There is relative stability in some disability categories such as TBI, while others such as MR and Speech Impairment have decreased. Cases of autism and non categorical delay continue to increase despite the decline in total enrollment. Overall, the state is serving same number of special education students as in

1999 despite the decreased enrollment. Bob also commented that overall DPI feels favorably about the legislation.

Universal Design for Learning (UDL): Updates Regarding New Developments in UDL

Teresa gave a presentation on universal design for learning. Today's classrooms include diverse learners who vary in ability and socioeconomic backgrounds. She pointed out that "it is not always the student who needs fixing but the curriculum," which is the fundamental reason UDL came into being. UDL supports the core principles of NCLB through greater accountability, greater flexibility and choice for teachers and students and greater use of research-based instruction. UDL also supports response to intervention and has been getting a lot of national attention. Teresa has given UDL presentations to ND Council of Education Leaders, ND Education Association, and DPI division directors. The goal is for NDDPI activities to overlap for the purpose of raising academic achievement of all students. Some of the next steps will include showcasing districts using UDL practices at statewide conferences and funding UDL trainers to assist school districts in developing UDL plans. Bob encouraged anybody who wanted more information to let DPI know. Teresa asked the committee if using Federal Part B funds for UDL was okay from a field perspective. Carol Jabs suggested DPI start at a particular school district and build up and use it as an example.

NIMAS Updates

The National Instruction Materials Accessibility Standard (NIMAS) provision calls for K-12 textbooks be made available in alternate formats in a timely manner. Currently, there is only one authorized user that facilitates this process for students who are blind or who have vision impairment. The ND Vision Services/SB together with NDDPI will introduce a bill in the upcoming legislative session that will expand the mission of the ND Vision Services/SB allowing them to facilitate the acquisition of accessible instructional materials not only for students with blind or vision impairment but also for students with physical limitations that prevent them from accessing the printed page, and students with reading disabilities of organic origin as determined by a competent authority.

Committee member, Jim Carter, moved to adjourn the meeting for the day. The motion was seconded by Carol Jabs. The motion carried. The ND IDEA State Advisory Committee adjourned until December 4 (the next morning) for a joint meeting with the ND Part C Interagency Coordinating Council (ICC).