

Iowa Special Education Advisory Panel

2019–2020 Annual Report



June 2020

State of Iowa
Department of Education
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Introduction

Iowa's Special Education Advisory Panel (SEAP) is a collaborative resource that envisions its role as an advocate for all children with special needs and their families on issues of special education in Iowa. As such, it is committed to representing individuals with diverse and changing educational needs. SEAP shall have, and will perform, functions and duties as specified by law. Responsibilities include offering advice, consultation, and recommendations to the Iowa Department of Education regarding matters concerning special education services.

Mission Statement

The Iowa Special Education Advisory Panel serves as a resource to advise the Iowa Department of Education on behalf of all children with special needs and their families. This Panel engages in dialogue regarding philosophies and policies, including best practices and special education compliance that result in successful outcomes for persons with disabilities (2007).

Purpose

"The purpose of the Iowa Special Education Advisory Panel is to provide policy guidance with respect to special education and related services for children with disabilities."

Duties

- a) Advise state education agency on unmet needs
- b) Comment publicly on any rules and regulations proposed by the state
- c) Advise State Education Agency (SEA) in developing evaluations and reporting data to the U.S. Department of Education Secretary under section 618 of the Act
- d) Advise SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of this Act
- e) Advise SEA in developing and implementing policies relating to the coordination of services.

34 C.F.R. §300.169 (2006)

2019-2020 Membership

Membership of the Panel consists of representatives from both public and private sectors who, by virtue of their position, interest, and training, can contribute to the education of children with disabilities. A majority (51%) of the members of the Panel must be individuals with disabilities or parents of children with disabilities. The Director of the Iowa Department of Education (DE) appoints members to the Special Education Advisory Panel (SEAP).

Executive Committee

Elizabeth Hockey – Chair

Cynthia Blackard – Vice-Chair

Barbara Guy – Director of Special Education

Nancy Hunt – Panel Facilitator

Bureau Staff

Celina Turner – Panel Secretary (DE)

Beth Buehler-Sapp – Panel Secretary (DE)

Panel Members

Members of the Panel shall be appointed by the Director of the Iowa Department of Education (Iowa Code § 256.9(14)) and serve for a term of three years. When appropriate, the Executive Committee can appoint a member to serve for more than two terms.

Special Education Advisory Panel Members: July 1, 2019 – June 30, 2020

Jennifer Aldrich	Jennifer Anderson	Cynthia Blackard*
Jodi Bonnett*	Dawn Bonsall*	Heather Brand*
Polly Brekke*	Kate Cole	Lori Frieden-Janke*
Rhonda Haitz*	Valerie Harmon*	Elizabeth Hockey*
Jessica Iverson	Pam Litterer*	Kim Neal
Kelly Ramus*	Bryan Sage*	Shannon Kathleen Tackes
Rachel Terry*	Karen Thompson*	David Van Horn
Daniel Van Sant	Jason Yessak*	Ruth Frush
Mary Jackson	Keri Osterhaus	Sandra Smith
Joel Weeks*	Doug Wolfe	

Note: of the 29 members, 15 members are individuals with disabilities or parents of children with disabilities (= 52%). Parents are designated with a (*) in the table above.

Panel Meetings

The annual schedule of regular meetings includes at least six meetings each year and an orientation for new members. Meetings are held in accordance with the Iowa Code chapter 21, the state's open meetings statute. This year the Panel elected to add two special meetings to the original schedule. All meetings were held at the Grimes State Office Building or virtually through Zoom.

Meeting Dates

September 12, 2019 (Orientation – New Members)

September 13, 2019

November 22, 2019

January 3, 2020 (Special Meeting – Chapter 103)

January 10, 2020

February 21, 2020

April 3, 2020

April 22, 2020 (Special Meeting – COVID-19 and Guidance)

May 8, 2020

SEAP's Priorities

To ensure that all students with disabilities eligible for special education:

- Enter kindergarten ready to learn to read
- Are proficient readers by the end of 3rd grade
- Progress at a rate that ensures success across core content areas
- Are self-determined
- Are engaged in school and community
- Graduate from high school
- Are college and career ready

Year in Review

Major Topic – Iowa’s Comprehensive Special Education System

Iowa is currently developing one comprehensive special education system for the state. This system will have two parts. The first part will be the i3 system, which will include guidance, resources, and procedures. The second part will be the IEP/IFSP system, which will include tools and a parent portal.

The information in these two systems will overlap to ensure the same messages and procedures are built for all users across the state. The Panel had the opportunity to focus on this topic throughout the year and provide feedback, especially focusing on the family experience in the system.



i3 – Iowa IDEA Information

i3 is an online and accessible platform for Special Education procedures, guidance, and information. Throughout the year, Melissa Tandy, Project Manager of Special Education, provided updates on the progress toward the new special education Guidance System,

i3 – Iowa IDEA Information. Melissa shared the new logo and look of the site, provided the Panel with progress updates, and collected feedback throughout the process. SEAP members had an opportunity to provide advice on how the system can best be presented to families. The planned release date for the i3 system is July 2020.



ACHIEVE

The Iowa ACHIEVE System is the next iteration of Iowa’s web-based IEP/IFSP system, with enhancements to allow better parent access, expanded progress monitoring tools and improved

user experience. The system will meet the needs of managing the significant components of special education/early intervention in the state of Iowa, including Individualized Education Programs (IEPs) and Individualized Family Service Plans (IFSPs). The system includes three sections: the IEP/IFSP, Differentiated Accountability, and Professional Learning. The first stage of development will focus on the IEP/IFSP. Amy Alfrey, Education Program Consultant, regularly updated the Panel on the progress towards completion the phases of development of the ACHIEVE system. Amy shared the new logo and name that were chosen for the system and attended several meetings throughout the year to gather feedback from members as decisions regarding the functionality of the system were being considered. The target for the statewide launch of the ACHIEVE system is the 2021–2022 school year.

Special Meetings

The Panel elected to hold special meetings for two topics this year, Chapter 103 and COVID-19.

Chapter 103

During the November meeting, Thomas Mayes provided an update regarding Chapter 103, which details Corporal Punishment and Seclusion and Restraint and influences the use of Least Restrictive Environment (LRE). Thomas also spoke briefly about the four changes that occurred between the Chapter 103 rules that were rejected by the State Board in August and the rules that went out for public comment. These four changes include: size of the room (PIMA), seclusion and restraint in response to threat of injury, parent notice, and department-initiated gathering of student-level data.

The Panel was tasked with deciding whether to respond to the rule changes by holding a special Panel meeting, forming a sub-committee to write a response on behalf of the group, or not responding at all. The panel decided to form a sub-committee to oversee the SEAP public comment. The sub-committee included Bryan Sage, Doug Wolfe, and Lori Frieden-Janke. The sub-committee drafted a letter on behalf of SEAP. There was a special one-hour Zoom meeting for the Panel to review and discuss the draft on January 3, 2020. After discussion and recommended change, the Panel voted unanimously to accept the letter with the change and submit as a public comment to the revised rule on behalf of SEAP.

Ultimately, the legislative session was suspended due to COVID-19, and the Department was asked to only handle COVID-19 issues related to policy items for the time being. As a result, the Director of the Iowa Department of Education made the decision not to move forward with Chapter 103 revisions. Therefore, all proposed rules revisions are expired, and the process for revisions will need to restart.

COVID-19 Impact and Guidance

Due to COVID-19, a Proclamation of Disaster Emergency was issued to coordinate the State of Iowa's response to this outbreak by Governor Kim Reynolds on March 9, 2020. All school districts and nonpublic schools in Iowa were initially closed for four weeks on March 15, 2020. However, on April 17, 2020, all schools were closed for the remainder of the school year and offered continuous learning to mitigate the spread of COVID-19. SEAP elected to add a meeting to the schedule to discuss the guidance being issued to schools regarding continuous learning. The meeting was held on April 22, 2020.

Beginning April 30, 2020, every public school was required to provide voluntary educational services, required educational services, or a combination of both. If a school was closed with no services offered to students, the school was not obligated to provide special education services. If a school chose to provide voluntary educational services, the school had to ensure that every student had access to those services. These voluntary services should also focus on maintaining skill level for students; there could be no new information presented. If a school chose to provide required educational services, the school was obligated to provide special education and IEP services. However, it would be unreasonable to assume that IEP services provided to students while in school would be the same as IEP services provided to students while at home due to COVID-19.

Each school district must submit a Return-to-Learn plan by July 1, 2020. In the Return-to-Learn plan, each district will be required to (1) describe how it will ensure appropriate access to and equity of Iowa's Academic Standards and any other needs as a result of students' disabilities, (2) ensure all rights and responsibilities under IDEA are provided to its students, and (3) establish how educational services will be adapted or modified to fit individual student needs. Within its plan to adapt or modify educational services to fit individual student needs, each district must include methods of providing parents or other household members with instructions to support students in accessing, participating, and progressing in the curriculum.

All COVID-19 related guidance issued by the Department and recorded webinars are posted to the Department's website. SEAP members were invited to view the guidance and recorded webinars if interested.

Standing Topics

Each year, presentations are provided to the Panel on the Annual Performance Report, current legislation being considered that impacts education, the Department's work, and Due Process Decisions.

Annual Performance Report

Courtney Clement is a Data and Federal Programs consultant with the Iowa Department of Education's Bureau of School Improvement. She discussed the IDEA Part B State Performance Plan and Annual Performance Report. The State Performance Plan (SPP) is a six-year plan; it is currently in its last year. The targets in the SPP were adopted by SEAP in 2012 for the years 2013–2018. Regarding the SPP, IDEA has not been reauthorized. When it is, SEAP will be involved in the target setting process for the next six-year plan.

The Annual Performance Report (APR) is submitted to the Office of Special Education Programs each year in February. The APR is comprised of 16 indicators: 5 compliance 4 indicators and 11 performance indicators. The federal government dictates the target level for the compliance indicators while SEAP sets the target levels for the performance indicators. Courtney presented data for the 16 indicators from the APR. In the past, data was collected on the performance results from the Iowa Assessments; however, in 2019, data was collected on the performance results from the new Iowa Statewide Assessment of Student Progress (ISASP). Data regarding parent involvement is collected through a survey. Iowa is one of the only, if not the only, state that has a comparison group of parents/guardians that do not have a child on an IEP.

For Indicator 8 (parent involvement in services for children with disabilities), OSEP has requested that Iowa alter its target for the next submission, which is due in 2021, to be higher than the baseline data in 2016. Courtney proposed new 2019 targets. After discussion, the Panel approved the motion to accept new targets.

Legislative Update

Shanlyn Seivert, legislative liaison for the Department, provided an update on legislative actions and the education bills currently being tracked. She discussed bills that passed in a Senate Committee or House Committee and are considered funnel proof.

Due Process Decisions

Thomas Mayes reviewed the due process decisions issued in the state of Iowa under IDEA. He reiterated that the Panel does not have the ability to approve or overrule these decisions. These decisions are final once the administrative law judge makes them, subject to appeal to State or Federal District Court. Thomas Mayes provided the Panel with an overview of 10 due process cases.

Thomas Mayes asked for feedback on how the panel would prefer to receive due process decisions in the future. Thomas proposed that sometime in the spring of each year, he will provide a synopsis of the due process decisions that have been made in the year prior, with the understanding that as soon as decisions are issued, the person who serves as the due process clerk will forward those to the current Panel Chair or Panel Facilitator.

Presentations to the Panel

During the year, Department staff and others involved with specific programs or projects were invited to present to the SEAP. Members were frequently asked to provide feedback or make recommendations on discussion topics. The following is a brief synopsis of the presentations and topics discussed during this past year.

Where We Are and Where We Are Going

Barbara Guy, Iowa Director of Special Education, provided a summary of the key areas of work for the last five years and discussed upcoming priorities. Barb also reviewed SEAP duties and responsibilities, led a discussion about priorities for members, and covered how to exercise the advisory responsibilities as a SEAP member.

Iowa School Performance Profiles

Jay Pennington, Bureau Chief, provided a tour of the site and an overview of the data available. The Bureau of Information and Analysis Services has been using the Iowa School Performance Profiles to access student achievement.

Dispute Resolution and Mediation

Deb Thomas, state mediator, provided information to the panel about dispute resolution and mediation. The mediation training/process is overseen by Deb Thomas and Thomas Mayes. They have 10 state mediators who meet quarterly for review. She also presented eight different cases about mediation that included what brought people to mediation, how the cases were or weren't resolved, and the lessons learned from each case. Last year there were between 40 to 60 mediations.

Deb provided a Dispute Resolution Training update. Deb spoke about Iowa's five dispute resolution processes. These processes include: AEA Mediation, State-level Mediation, Mediation, Due Process, and Complaint.

Family and Educator Partnership: Universal Tier Resources

Kim Drew, Education Program Consultant, dispersed the FBA and BIP brochures but did not ask for any edits or suggestions to the content. The goal of the Universal Tier Resources is that every family across the state has the same information. The Universal Tier Resources use family friendly language that will benefit both parents and teachers.

Conditions for Learning – Parent Survey

Margaret Jensen Connet, contractor, introduced the Conditions for Learning parent survey. The survey for parents of students in 3rd to 5th grade will have items that are like those on the Survey that is taken by students. It will assess parent perceptions of student engagement, safety, and the overall school environment. SEAP members were asked to participate in a focus group to help the Department determine the content and delivery method for the survey being developed.

Children’s Behavioral Health System

Brad Niebling, Bureau Chief for the Iowa Department of Education’s Bureau of Learner Strategies and Supports, discussed the Children’s Behavioral Health System (CBHS) in Iowa, focusing specifically on how mental health intersects with special education as well as the implications this system has on special education. The focus of the CBHS is to provide 2 both accessible and high-quality behavioral health services to every child who needs such services. Brad asked for feedback on what the Behavioral Health System should consider when it comes to students with disabilities who are receiving special education services as well as their parents/guardians/caretakers.

Area Education Agency (AEA) Specially Designed Instruction (SDI) Scale Up

David Van Horn and Lynn Hockenberry from Green Hills AEA discussed the Scale Up work centered around the State Personnel Development Grant (SPDG). This grant is a five-year grant that was awarded to the Iowa Department of Education on October 1, 2015. The grant is set to expire on September 30, 2020. The goal of the grant is to establish a statewide system to effectively implement and support personnel preparation and professional development in Specially Designed Instruction (SDI). The grant also focuses on improving practitioner abilities to Diagnose, Design, Deliver, and Engage, which are the four key components in the SDI Framework. In Iowa, there are four SDI strands: Preschool, Kindergarten – 6th Grade (K6), Significant Disabilities, and Family and School Partnerships. SEAP was involved in defining and developing the SDI framework throughout the process.

Deaf and Hard of Hearing Study Group

A Deaf and Hard of Hearing (DHH) Study Group is being formed in response to legislation put forth by the Language Equality and Acquisition for Deaf Kids (LEAD-K). LEAD-K is an advocacy group that has proposed legislation to establish an advisory committee to solicit input on language development milestones in English and American Sign Language (ASL) and require the Iowa Department of Education (Department) to annually compile and publish a report that is specific to language and literacy development of deaf and hard of hearing children from birth to eight years of age.

In response to this legislation, the Department is forming a study group to provide information around quality services for students who are deaf and hard of hearing in Iowa. The Department is currently in the process of identifying members for the group. The group will meet in the spring. Interested SEAP members were invited to participate.

Universal Protocols for Accommodations in Reading (uPAR)

MeLissa Lawson, Education Program Consultant with the Department for AEM and UDL, discussed the Universal Protocols for Accommodations in Reading (uPAR). The uPAR is an assessment tool used to determine whether students need accommodations when engaged in reading tasks. Within uPAR, there are three conditions for accommodations: comprehension in independent reading, comprehension with human audio, and comprehension with a text reader. The uPAR supports data-based decision making, helps teams learn the way students comprehend text, outlines evidence-based practices used to make decisions about selecting a suitable reading accommodation for students, and is a repeatable, systematic process. MeLissa presented the results from three different research studies and five student reports from the uPAR.

Transition Iowa

Karen Thompson, ASK Resources, discussed the Transition Iowa website, which serves as a repository for postsecondary transition resources. The purpose of the Transition Iowa website is to ensure postsecondary transition resources are available and accessible to families, educators, and stakeholders. The main sponsor for the Transition Iowa website is the Iowa Department of Education. ASK Resource is planning to send out a voluntary online survey to gain feedback on topics such as how to categorize information on the site, what information people need on the site, and the capacity in which stakeholders should be involved in making sure the right information is updated. Karen asked the Panel to share the survey link with their colleagues and contacts. Panel members were also invited to participate in one of the committees or focus groups being held.

Major Accomplishments

At our final meeting, members were asked to reflect on the major accomplishments during 2019–2020. The following points were considered notable by SEAP members:

- Good communication and ideas for the i3 and ACHIEVE systems roll-out.
- Public comment regarding Chapter 103 and the acceptable amount of time in notifying a parent about a child's incidents.
- Progress toward a less adversarial relationship between parents and educators during the IEP process.

- SEAP has established very strong partnerships between educators and families to help inform and advise work of the Department. This partnership helps ensure the products and services are well-designed.
- SEAP members can report what we have learned to the community and families in our network.
- Great ideas and collaboration amongst all parties.
- Respectful listening and perspective sharing.
- Input on COVID-19 guidance.

Related Activities

This section outlines ongoing professional development opportunities for panel members related to special education issues and the work members are asked to do as part of their duties.

Conference/Workshop Attendance

Panel members were invited to attend conferences and workshops that offered opportunities for them to learn about specific topics related to special education. Expenses for travel, lodging and registrations were reimbursed. These conferences included the following:

- Tri-State Regional Special Education Law Conference – Omaha, Nebraska
- Iowa Learning Academy – Des Moines, Iowa (Postponed)

Acronyms/Terms

AEA – Area Education Agency

ALJ - Administrative Law Judge

APR – Annual Performance Report (as related to a state’s “State Performance Plan”)

ARRA – American Recovery and Reinvestment Act of 2009

AYP – Adequate Yearly Progress

DA – Differentiated Accountability

DE – Iowa Department of Education

District – School District (also referred to as Local Educational Agency or LEA)

ESSA – Every Student Succeeds Act

FFY – Federal Fiscal Year

HQT – Highly Qualified Teacher

IDEA, IDEA’04 or IDEA 2004 – Individuals with Disabilities Education Act of 2004

IEP – Individualized Educational Program

IHE – Institutions of Higher Education

IMS – Information Management System

I-STAR – Iowa System to Achieve Results

IEP – Individualized Education Program

LEA – Local Educational Agency (also referred to as school district or district)

MTSS – Multi-Tiered System of Support

NAEP – National Assessment of Education Progress (national standardized assessment)

OSEP – Office of Special Education Programs (Washington, D.C.)

Panel – Special Education Advisory Panel (also referred to as SEAP)

Part B – Special Education Services for Children with Disabilities Ages 3 to 21

Part C – Services for Children Birth through Two Years

SEA – State Education Agency

SEAP – Special Education Advisory Panel (also referred to as the Panel)

SDI – Specially Designed Instruction

SLP – Speech and Language Pathologist

SPP – State Performance Plan (sometimes called the “Six-Year Performance Plan”)

SSIP – State Systemic Improvement Plan

Appendix A

Student Results and State Performance Plan (SPP) Indicators

Result 1: Enter Kindergarten ready to learn to read

- SPP Indicator 6: Least Restrictive Environment Ages 3 to 5
- SPP Indicator 7: Early Childhood Outcomes
- SPP Indicator 12: Transition C to B

Result 2: Are proficient readers by the end of 3rd grade

- SPP Indicator 5: Least Restrictive Environment ages 6 to 21
- SPP Indicator 9: Disproportionate Representation Due to Inappropriate Identification

Result 3: Progress at a rate that ensures success across core content areas

- SPP Indicator 3: Participation/Performance on Assessments
- SPP Indicator 11: Timely Initial Evaluations

Result 4: Are self-determined

- SPP Indicator 13: Secondary Transition

Result 5: Are engaged in school and community

- SPP Indicator 4: Suspension and Expulsion]
- SPP Indicator 8: Parent Involvement

Result 6: Graduate from high school

- SPP Indicator 1: Graduation
- SPP Indicator 2: Dropout

Result 7: College and Career Ready

- Indicator 14: Post-School Outcomes

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