

Iowa Special Education Advisory Panel

Date: February 19, 2021

Facilitator: Nancy Hunt

Panel Secretary: Celina Turner

Present: Jennifer Aldrich, Jennifer Anderson, Cynthia Blackard, Dawn Bonsall, Pamela Borkowski, Polly Brekke, Kate Cole, Todd Coulter, Lori Frieden-Janke, Genevieve Hart, Jessica Iverson, Mary Jackson, Amy Knupp, Pam Litterer, Kim Neal, Bryan Paulson, Sonia Reyes, Bryan Sage, Tammy Schaapherder, Lisa Shaw, Sandra Smith, Rachel Terry, Karen Thompson, Daniel Van Sant, and Doug Wolfe

Department Staff Present: Barb Guy, Nancy Hunt, and Celina Turner

Absent: Liz Atkinson, Jodi Bonnett, Molly Brookhiser Smeltser, Rhonda Haitz, Keri Osterhaus, and Shannon Tackes

Presenters: Amy Alfrey, Renee Jerman, Peter Anderson, Jordan Esbrook, and Thomas Mayes

Handouts and Materials

- [Agenda](#)
- [Legislative Information web page](#)
- [Education Bill Tracking](#)
- [How a Bill Becomes a Law](#)
- [Guide to Iowa's Court System](#)

Welcome/Introductions

Cynthia Blackard called the meeting to order at 9:01 a.m.

Approval of Consent Agenda

The January 8, 2021, meeting minutes were reviewed. No edits were made. Bryan Sage motioned to approve the minutes. Tammy Schaapherder seconded the motion. Motion approved.

ACHIEVE Update and Demo – Amy Alfrey

Amy Alfrey provided a demo of the ACHIEVE system. She reviewed the Dashboard page, which allows educators and service providers to update and view their to-do list, case list, and calendar. The calendar in ACHIEVE does not sync to Google Calendar or any other personal calendars; however, this is a feature the ACHIEVE development team hopes to add in the future. She also noted that the family portal for ACHIEVE is still in development.

Kate Cole asked if Vocational Rehabilitation staff will be given access to the IEPs of the students they serve. Amy Alfrey confirmed that Vocational Rehabilitation staff will be given access to their students' IEPs. Barb Guy added that the ACHIEVE development team is working to ensure the access levels in ACHIEVE are systematic.

Karen Thompson questioned whether trainings will be available for the agencies and organizations across the state that assist parents and families of children with disabilities, such as ASK Resource. Amy Alfrey confirmed that trainings and professional learning opportunities will be available. Karen Thompson also questioned whether agencies and organizations that are not given direct access to ACHIEVE will be able to sit beside or Zoom with families as they navigate the family portal in order to help address questions or concerns. Amy Alfrey responded that these organizations are welcome to assist parents and families as they learn the system.

Amy Alfrey also reviewed the Learner Management, Learner Dashboard, and Family Contact pages in ACHIEVE. The Learner Management page contains demographic information for the student, which is imported into ACHIEVE directly from the student information system held at the student's school. The Learner Dashboard page contains information for the student's facilitator as well as any upcoming activity for the student. The Family Contact page contains the contact information for the student's family, which is also imported directly from the student information system held at the student's school. Educators and service providers will be able to contact and schedule a meeting with the student's family directly from this page. This page also includes the Family Contact Log, which details when and why the student's family was contacted.

Dawn Bonsall asked if the consent for electronic communication will be stored on the Family Contact page. Amy Alfrey responded that it will actually be stored on the Documentation page. The Documentation page will house all consent documents as well as any other documents associated with the student. Users will be able to filter the documents by date and status. The Documentation page will also notate when the Procedural Safeguards Manual for Parents was last reviewed and provided and whether the parents accepted the printed copy.

Pamela Borkowski questioned whether ACHIEVE will contain historical information for students who have gone through multiple placements. Amy Alfrey responded that any records or documents for these students can be stored under the Associated Files in ACHIEVE. Barb Guy added that the system will contain a search function, which will allow users to search the system for any information they may need.

The IEP Development page in ACHIEVE allows IEP teams to enter information regarding the Present Levels of Academic Achievement and Functional Performance (PLAAFP) as well as the Consideration of Special Factors. Amy Alfrey stressed that these sections of the IEP Development page are designed to be collaborative, teaming tools for the IEP team. This page also allows IEP teams to identify any other areas that need to be addressed in the IEP as well as any additional information that's essential for the development of the IEP. Bryan Sage questioned if this would be where the IEP team should address emergency drills and lockdowns. Amy Alfrey confirmed that this would be the where the IEP team should address these situations.

Polly Brekke commented that she's thrilled to see Communication and Hearing as part of the IEP Development page under the Consideration of Special Factors. She stressed that communication plans help guide IEP teams through their discussion and need to be built into the IEP. She also commented that she receives a lot of questions regarding communication plans for students with unilateral hearing loss and interpreters. She suggested adding this to the system as a consideration for IEP teams to ensure it isn't missed when the IEP is being developed.

Barb Guy responded that there will be a place for IEP teams to notate the need for an interpreter under Services. She added that if IEP teams select Communication or Hearing as a special factor but then fail to address this in the Services section, the system will alert the IEP team and prompt them to address this issue.

Lisa Shaw questioned whether documents can be uploaded to the system, such as letters written by parents that outline their child's preferences, strengths, and long-term vision as well as any concerns they may have. Amy Alfrey responded that these documents can be uploaded under the Associated Files. She added that the information contained in these documents should also be entered into the system so that it can be used effectively.

Amy Alfrey reviewed the draft output of the IEP Progress Report. She asked the Panel for feedback and input. Pamela Borkowski suggested providing more of a quantitative answer to the progress being made toward the goal, such as notating that 30% progress has been made toward the goal. Barb Guy responded that the ACHIEVE development team has discussed building a tool into the progress monitoring that would notate the slope and provide a prompt that progress is not being made or that the slope is increasing or decreasing. She added that other ACHIEVE task teams have also asked for a place to write a narrative. Bryan Sage suggested replacing the words 'your child' with the child's name. Amy Alfrey took note of the Panel's suggestions.

Kim Neal asked if the reporting feature will allow districts to pull a report on the percentage of progress monitoring goals that have a certain progress score. She noted that this would help districts gauge where they are at in terms of progress monitoring. Barb Guy responded that this is a feature the ACHIEVE development team is looking into, and they hope to build this feature into the system in the future.

Amy Alfrey informed the Panel that the ACHIEVE development team has received feedback from task teams and other individuals that because teachers and service providers are often the first points of contact for families, it may be challenging for them to learn a new system while simultaneously having to support and help families navigate the system. Therefore, she asked the Panel for input on whether the family portal should be launched at the same time as the ACHIEVE system for educators and service providers.

Karen Thompson commented that organizations such as FEP, PTI, DRI, and ASK Resource could serve as the points of contact for any functionality questions families may have. She added that the system could inform families that these organizations are willing to help and assist with any questions. Lori Frieden-Janke commented that she would like to see the family portal launch at the same time as the rest of the system; therefore, she echoed that organizations such as ASK Resource should be used as additional points of contact for families. Kim Neal noted that as long as educators receive enough training before the family portal launches, she doesn't have any reservations or concerns about launching both pieces at the same time.

Amy Alfrey took note of the Panel's suggestions. Barb Guy assured the Panel that the Iowa Department of Education (Department) and the ACHIEVE development team are working to ensure that there is multi-level, systematic outreach plan in place before the system launches.

Legislative Update – Renee Jerman

Renee Jerman provided updates on the following legislative bills:

- [House File 315](#), which relates to programs for at-risk children. This bill passed both the House and Senate and is ready to be sent to the Governor.
- [House File 317](#), which relates to the calculation of education funding for children living in certain facilities and including applicability provisions. This bill passed unanimously in the House and is sitting in the Senate attached to its companion [Senate File 287](#).
- [House File 604](#), which relates to the language and literacy development for deaf and hard-of-hearing children. This bill is still alive in the House and has been placed on the House calendar for debate.
- [Senate File 159](#), which relates to modifying and establishing charter schools. This bill was amended in the Senate. The amended language was sent to the House. This bill has not yet seen action in the House.
- [Senate File 168](#), which relates to health services, special education support, and related services provided to children attending nonpublic schools. This bill is still alive in the Senate.

For more information on these legislative bills, view the Department's [Legislative Information](#) and [Education Bill Tracking](#) web pages.

Renee Jerman also discussed [How a Bill Becomes a Law](#) and directed the Panel to the [Guide to Iowa's Court System](#).

Barb Guy commented that House File 604 proposes developing and managing language milestones specific to American Sign Language (ASL) for children who are deaf and hard of hearing from birth to age 8. She noted that the Department went in undecided on this bill. She informed the Panel that the Department surveyed parents of children who are deaf and hard of hearing regarding various aspects of deaf education in Iowa. The parents responded that the focus should not be on promoting the concept or knowledge around language milestones, but rather improving access to early sign language training.

Barb Guy also commented that Senate File 168 proposes that all special education services for students in nonpublic schools must be provided either by the LEA or AEA on the nonpublic school premises with the permission of the lawful custodian of the property and the parent or guardian of the student receiving services. She noted that the Department's feedback for consideration on this bill is that this bill would give parents of nonpublic students more rights to decide the location of special education services than parents of students in public schools.

For questions on legislative bills, contact Renee Jerman at renee.jerman@iowa.gov.

Update on Court Cases – Jordan Esbrook, Thomas Mayes, and Peter Anderson

Jordan Esbrook discussed two court cases: Jacob v. IDOE and Hills & Dales v. IDOE.

Jacob v. IDOE was a judicial review of the Department's resolution of a state complaint brought by Brian Jacob, the father of O.J., a six-year-old child in the Woodward Granger district who was entitled to special education. The Department determined that the IDEA did not require the District to fulfill the terms of O.J.'s IEP while the schools were closed and all children were receiving only voluntary enrichment activities. The District Court for Polk County affirmed the Department's decision, and dismissed the petition for judicial review. Jacob did not appeal.

Hills & Dales is a private treatment provider in Dubuque for children and adults with intellectual disabilities. One of the services they provide to children with autism is Applied Behavior Analysis (ABA) therapy. The Dubuque Community School District and Keystone AEA were unable to resolve a dispute about when residential students should be excused from school to receive ABA Therapy. Keystone asked the Department for a declaratory order. The Department determined that the public agencies, not Hills & Dales or any private treatment provider, have the discretion and responsibility to develop an IEP and to decide whether to excuse a child from school. The District Court affirmed the Department's decision. The case is now on appeal.

Based on the Hills & Dales v. IDOE decision, Doug Wolfe asked for clarification on whether a school is required to pull a student out of core instruction to attend court-ordered therapy. Jordan Esbrook responded that the Hills & Dales case did not address court-ordered therapy. Thomas Mayes added that if a student is repeatedly pulled out of core instruction based on a court order, the child welfare agency and education agency would need to address this issue.

Barb Guy posed a scenario in which a student is consistently being pulled out of literacy instruction in order to receive therapy services. Based on this scenario, she questioned whether the student's school is obligated to rearrange its instruction schedule in order to meet the student's needs for literacy instruction. Thomas Mayes responded that instruction schedules are a district decision. Therefore, it would be hard-pressed for a court or private provider to require a school to rearrange its instruction schedule.

Doug Wolfe commented that while outside the scope of the Hills & Dales case, it would be helpful to know more about who decides where a child physically attends school when the child is in a residential setting. He added that he would be remiss if he didn't note that DHS prefers children in foster care to attend the same school they attended with their friends and peers before coming into foster care. Bryan Sage asked for clarification on whether the Hills & Dales case applies to all types of intervention services or just ABA therapy. Jordan Esbrook responded that this case determined that during school hours, schools have the discretion and responsibility to decide whether to excuse a child from school. She noted that this determination could apply to any treatment modality included in a student's IEP.

Future Agenda Items/Emerging Issues

Rachel Terry suggested adding a discussion about Recovery Services, ESYS, and Compensatory Services to a future agenda. No emerging issues were discussed by the Panel.

For any other future agenda items or emerging issues, please contact Cynthia Blackard at cblackard@yahoo.com or Bryan Sage at bssage@gmail.com.

Announcements

- The [Membership Application](#) is due April 23, 2021.
- Vice Chair nominations are due by April 9, 2021.

Doug Wolfe motioned to adjourn the meeting. Lisa Shaw seconded the motion. Motion approved. Cynthia Blackard adjourned the meeting at 12:00 p.m.

Next Meeting: April 9, 2021

9:00 a.m. – 12:00 p.m.

via Zoom

Facilitator: Nancy Hunt

Minutes: Celina Turner