

Iowa Special Education Advisory Panel

Date March 27, 2015

Facilitators: Nancy Ankeny Hunt

Panel Secretary: Julie Carmer

Present: Valerie Baker, Carma Betz, Jan Collinson , Donita Dettmer, Margaret Joan Ebersold, Susan Etscheidt, Ruth Frush, Dawn Jacobsen, Kenda Jochimsen, Susie Lund, Larry Martin, Melanie Patton, Beth Rydberg, Sandra Smith, Emily Sopko, Mary Stevens, Karen Thompson, Kelly Von Lehmden, Kelly Wallace, Joel Weeks, Doug Wolfe, Jason Yessak

Department Staff Present: Barb Guy, Nancy Ankeny Hunt, Julie Carmer

Absent: Craig Barnum, Kurtis Broeg, Billy Jo Cowley, Carl Higgins, Ron Koch, Amy Liddell, Joseph McAbee, Kathleen Van Tol, Julie Aufdenkamp, Doug Wolfe

Guests: Thomas Mayes

Handouts for the March 2015 meeting:

- Agenda ([LiveBinder](#))
- Minutes from February 13, 2015 meeting ([LiveBinder](#))
- Modules Review – Child Find process ([LiveBinder](#))
- Proposed Meeting Dates for 2015-2016 ([LiveBinder](#))

Welcome/Introductions:

The meeting was called to order by Vice Chair Susie Lund at 9:00 AM.

Approval of Consent Agenda (Minutes, 2/13/2015):

Motion made by Kelly Wallace to approve, second by Sandra Smith. Motion approved.

Public Comment:

No Public Comment

Legislative Update (Thomas Mayes):

Thomas provided an update on the status of the legislation surrounding the payment of student costs for placement in psychiatric facilities

The bill has passed the House and Senate -- SF294/HF445

In its current form, there are some major changes to billing:

- For students without IEPs, it is based on the amount of time spent in the facility. It is a rated shares, for example, if a student spends less than a school day, it is prorated. So not a daily rate. There is an allowance for supplemental weighting for at risk students. Drop out/At Risk funding can be used when the sent from district finds that child “may inflict harm” (look at bill for language)
- If it is a court placement – the court is responsible for the bill

- The objectionable portion of the bill - if it was a voluntary placement by the parents they would be responsible for the cost—was removed on a bipartisan basis.
- Governor is expected to sign the House bill.

Eligibility Standards (Thomas Mayes):

- ***Authority for Eligibility and Evaluation Standards*** is a “Reasonable Practice” Each Statute has its own set of criteria.

The Iowa Department of Education (“Department”) has the legal authority to “prescribe minimum requirements for children requiring special education to be admitted” to special education instructional programs. Iowa Code § 256B.3(5)(2011). The Iowa Code also contains the following: “Children requiring special education may be identified in any way that the department of education determines to be reliable.” *Id.* § 256B.4(3). The Department also has the authority to “interpret the school laws and rules relating to the school laws.” *Id.* § 256.9(16). Moreover, the Department has the discretion to operationalize imprecise modifiers contained in federal law, such as “significant” and “severe.” *Letter to Kotler*, 65 IDELR 21 (OSEP 2014). These ten Standards are the Department’s exercise of its authority, and describe the essential elements of the process by which students are identified and evaluated for special education under the Individuals with Disabilities Education Act (“IDEA”) and state law.

- ***Framework Underlying Eligibility and Evaluation Standards***

These Standards provide a framework for teams to determine whether children are eligible for special education services.

1. A foundation for sound decisions to meaningful questions
2. A foundation for consistent statewide practice
3. A foundation for monitoring and enforcing actions

- ***Relationship between Eligibility Standards and Response to Intervention***

These Standards require that teams consider data gathered in the course of high-quality instruction when making special education eligibility decisions. One source of data reflecting the effectiveness of instruction and interventions is Response to Intervention (RtI), also referred to as Multi-Tiered System of Support (MTSS). MTSS is a general education approach which can be useful for special education decision making- but it is not required.

- ***Iowa’s Eligibility Standards***

These Standards describe the role that general educators assume and general education resources used before, during, and after the special education eligibility process. These Standards describe the process to determine whether a child needs special education services because of a disability.

- **The ten Standards are as follows:** (Note: the Standards form a coherent whole and depend on each other for their meaning and should be read together. No one Standard is more important than another.)
 - I. Qualified professionals must be part of all decisions about a child’s special education eligibility.
 - II. All special education decisions are based on sound data.
 - III. When a public agency suspects that a child might have a disability that might require special education, the agency seeks parental consent for an initial evaluation.
 - IV. Children and parents receive procedural protections whenever special education eligibility is questioned, reviewed, or established.
 - V. Evaluations are fair, thorough and comply with the requirements of special education law.
 - VI. To be eligible for special education, a child must have a “disability.”
 - VII. If a child’s low performance is due to lack of opportunity to learn or due to cultural or language difference, the child does not have a “disability.”
 - VIII. A child’s disability must cause a need for special education before the child is eligible for special education.
 - IX. A child’s evaluation determines and describes the eligible individual’s special education needs.
 - X. If a child is eligible for special education services, the child’s IEP team uses evaluation data to draft an IEP that addresses the needs identified in the evaluation.

Each of the ten Standards have the following questions answered:

- Why is this Standard important?
- How is this Standard met?
- How is this Standard applied across multiple settings and situations?
- How will the Department monitor attainment of this Standard?
- What is the authority for the Standard?

The group processed the standards discussion and provided feedback:

What were you glad to hear?

- Clarification on MTSS
- Standard 7 aligns well with VR practice with education
- Accountability comes into play with all of the standards and will lead to better equity and consistency between districts by providing a foundation for all in Iowa to work from.
- Provides parents better guidance of their rights.
- Hope this helps the people who serve students with disabilities help students—as parents we put so much faith that they are doing what they are supposed to be doing

What concerns do you have?

- Standard 8 – is it too narrow? What about a student who needs related services and not SDI?

- How to tease out through a data perspective of a parent helping outside of school—and the qualifications of who is providing that extra help.
- How will the level of appropriate instruction be measured? Might need some clarification and examples in the document to help.
- How will these standards be communicated to parents so they know the safe guards.
- From the discussion, it appears there is variance in practices in how to determine if there is a disability- how will this be monitored to ensure there is uniformity in the system?

Updates:

PEC workgroups update:

Programs are run very differently in terms of how the mission and vision is articulated. Workgroup is to look at common measures. Group is looking at potential stakeholders and how to evaluate the programs. What services are needed in the state to engage families? Who are the potential partners? If we need to, how can go beyond the current capabilities and capacity of the PEC. What do parent and educator partnerships look like and what does that mean? How can potential partners fit into the structure?

Special Education Accountability:

There are different levels of accountability. They will no longer do the 5 year cycle site visits at the districts instead they will look at every district every year. Self-Assessment look at IEP. If it's individualized and provides FAPE. Would not be monitoring to see if there is a baseline measure.

Next fall will need feedback.

Just because we have this system will not mean we can't act on anything. We need to maximize resources.

SSIP Update (Barb Guy):

Due April 1

Members broke up into groups to examine the document provided by Barb. The document is complete and ready to be submitted but if there is anything membership sees that needs to be changed, there is still time.

Feedback:

Everyone felt the document was well written and flowed well. They enjoyed seeing work of SEAP come to fruition.

Good transition between what is in place and what needs to be place.

There are a few areas where we could add information about the good things Iowa is doing in some areas.

Special Education services achieve the following desired results:

1. Enter kindergarten ready to learn to read.

2. Are proficient readers by the end of 3rd grade.
3. Progress at a rate that ensures success across core content areas.
4. Are engaged in school and community.
5. Graduate from high school.
6. Are college and career ready.

Module Review (Karen Thompson):

Karen provided an overview of the training videos “Misunderstandings, Misinformation, & Miscommunication about the Child Find Process.” The modules were created through a collaborative project among Iowa Area Education Agency Directors of Special Education, the ASK Resource Center, and Disability Rights Iowa.

All groups have agreed on the content and presentation of the training modules and have agreed to deliver the same way. The modules are available for anyone interested in the information.

This partnership between the AEA, PTI and P & A is unique to Iowa and hasn’t happened in other states.

WIOA Updates (Kenda Jochimsen)—Moved to May 8th meeting

Announcements/Future Agenda Items:

Membership application is open until April 10. We have three openings on SEAP to fill.

We are accepting nominations for Vice-Chair. We will vote at the next meeting.

The meeting dates for next year are on [LiveBinder](#).

Motion by Donita Dettmer to adjourn, seconded by Kelly Wallace. Motion approved.

Meeting adjourned 2:48 PM.

Next meeting is scheduled **Friday, May 8, 2015** at the Grimes State Office Building