



Special Education Advisory Panel (SEAP) Annual Report July 2018 – June 2019

Preface

The annual report of the Minnesota Special Education Advisory Panel (SEAP) is respectfully submitted to the commissioner of the Minnesota Department of Education (MDE). The reporting period is July 1, 2018, through June 30, 2019. The annual report is a summary of the panel activities and recommendations during the reporting period. SEAP provides a broad base of input to MDE staff regarding policies, practices and issues related to the education of children and youth with disabilities ages birth through 21, and advises MDE's Divisions of Special Education and Compliance and Assistance on the education of children and youth with disabilities.

2018-19 SEAP Members



Members of the 2018-19 Special Education Advisory Panel with Special Education Division Director Robyn Widley and staff

Name	Represents	Term Ends
Leesa Avila	Parent Advocate	2019
Kimberly Baker	Parent Advocate	2021
Deborah Beske Brown	Foster Care Services	2020
Adenike Chon	Parent Advocate	2020
Sally Du	School Personnel	2019
Shannon Erickson	Vocational Services	2021
Erin Hoffman	School Administrator	2021
Kelly Kausel	Parent Advocate	2021
Melanie Kray	School Administrator	2021
Mary Lindell	Higher Education	2020
Randean Miller	Parent Advocate	2019
Becky Miller	Parent Advocate	2021
Maleenia Mohabir	Parent Advocate	2021
Rebecca Neal	School Personnel	2019
Jazlynn Paige	School Personnel	2020
Patty Popp	Juvenile Corrections	2019
Tony Porter	Parent Advocate	2021
Lynette Rigsby	Parent Advocate	2021
Kyle Rooker	Student	2019
Jennifer Sommerness	Higher Education	2020
Tracy Stuewe	Parent Advocate	2020
Megan Ulrich	School Service Personnel	2021

Duties

As established in accordance with 34 CFR 300.167-300.169 (2006), the Special Education Advisory Panel (SEAP) of the state of Minnesota must:

1. Advise the State Education Agency (SEA) of unmet needs within the state in the education of children with disabilities.
2. Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities.
3. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act.
4. Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act.
5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.
6. The SEA, after deleting personally identifiable information, must provide SEAP with the due process hearing findings and decisions and make those findings and decisions available to the public (34 CFR 300.513(d) and 300.514(c)).

Acknowledgements

MDE acknowledges and thanks the following staff for their contribution to this report and the work of the SEAP:

- Robyn Widley, Director, Special Education Division
- Rebecca Neal, SEAP Chair, 2018-19
- Kristin Oien, SEAP Coordinator
- Diana Miller and Kellie Brady, Administrative Support
- Doug Gray, Communications Specialist

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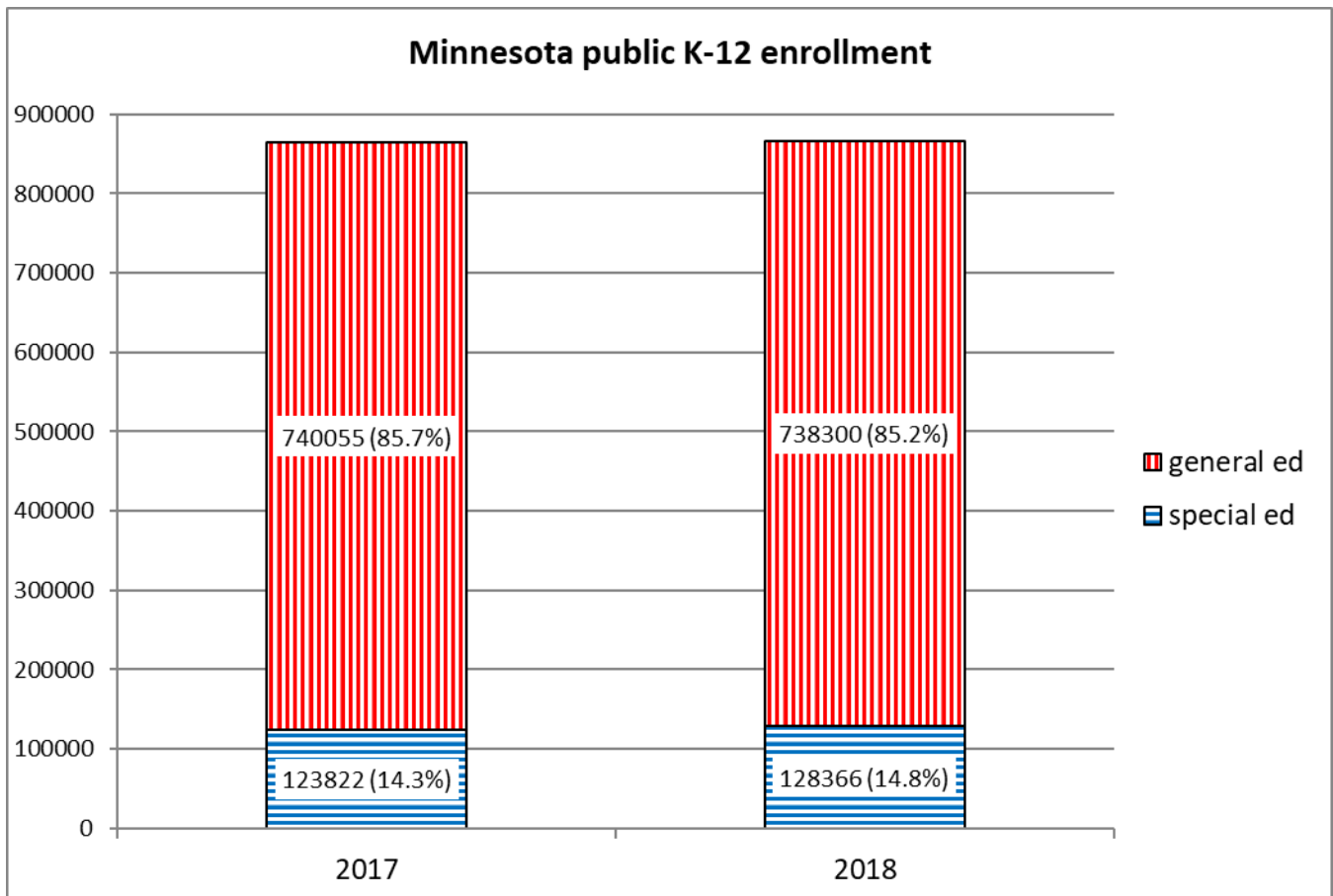
Overview

The Minnesota Special Education Advisory Panel (SEAP) provides policy guidance for the Minnesota Department of Education (MDE) divisions of Special Education Policy and Compliance and Assistance with respect to special education and related services for children and youth with disabilities in Minnesota. The federal Individuals with Disabilities Education Act (IDEA) and state law establish SEAP and outline its duties. SEAP members are appointed by the Commissioner of Education as the governor's designee. SEAP members include parents, individuals with disabilities, educators, teacher trainers, advocates, special education directors and staff from MDE and other state agencies, bringing their diverse perspectives together to make recommendations on special education issues.

Special Education in Minnesota

By federal law, public schools must provide individualized special education and related services to eligible children with disabilities. Special education is specially designed instruction, provided at no cost to parents, to meet the unique needs of a child with a disability. It may include instruction in the classroom, home, hospitals, institutions and other settings.

On December 1, 2018, 147,604 Minnesota children and youth from birth to 21 years old received special education services. This represents an increase of 3.7 percent from the 142,270 Minnesota children receiving special education services in 2017–18. Of those, 128,366 were enrolled in grades K-12 in Minnesota public schools, 14.8 percent of the total statewide public school K-12 enrollment of 866,666.



Compared to December 1, 2017, there were increases in the number of students in seven of the 14 disability categories: Deaf-Blind, Autism Spectrum Disorders (ASD), Developmental Delay, Emotional Behavioral Disorders (EBD), Specific Learning Disabilities, Speech/Language Impaired and Physically Impaired. The number of students in the categories of Traumatic Brain Injury, Other Health Disabilities, Severely Multiply Impaired, Blind-Visually Impaired, Developmental Cognitive Disability-Mild/Moderate and Deaf/Hard of Hearing remained relatively stable. There was a decrease in the number of Minnesota students in the Developmental Cognitive Disability-Severe/Profound category.

Policy Areas of Interest

State Performance Plan (SPP), Annual Performance Report (APR) and State Systemic Improvement Plan (SSIP)

In 2018, the U.S. Department of Education’s (ED) Office of Special Education and Rehabilitative Services (OSERS) released state determinations on implementation of IDEA Part B and C for fiscal year 2016. IDEA requires each state to report annually to ED on its performance under its SPP. Specifically, each state must report in its APR the progress it has made in meeting the targets established in its SPP. IDEA details four categories for determination: meets the requirements and purposes of IDEA, needs assistance, needs intervention, or needs substantial intervention.

Starting in 2014 and continuing the past four years, ED weighted compliance and results data equally in making each state's Part B determination. Beginning in 2015, ED used both compliance and results data for Part B *and* Part C state determinations. ED used multiple outcome measures that include students with disabilities' participation in state assessments, performance in reading and math on the National Assessment of Educational Progress (NAEP), and graduation and dropout rates. The use of student testing and other outcome measures was a major shift in 2014 from years past and affected many states' standings related to their overall determination. This Results Driven Accountability (RDA) framework includes both educational results and functional outcomes for students with disabilities and results with the compliance requirements of IDEA.

In fiscal year 2016, 22 states and territories met the "Meets Requirements" determination, Minnesota being one of them again for Part B. Minnesota also met the "Meets Requirements" determination for Part C, making us one of only 13 states to meet in both areas, an increase from 12 states last year. Minnesota continues to have much to celebrate about the quality work teachers and administrators are doing across the state for students with disabilities.

ED's Office of Special Education Programs' (OSEP) new SPP/APR cycle also incorporated a new indicator requiring states to develop a State Systemic Improvement Plan (SSIP). The SSIP focuses on improving results for students with disabilities in three phases over the six-year period. Phase I was completed in April 2015 where MDE identified in its report to OSEP that six-year graduation rates for American Indian and Black students with disabilities was the focus area for improvement. In addition, MDE reported our overall goal of the SSIP was to increase the capacity of district programs to implement, scale up and sustain evidence-based practices that will result in improved graduation rates and outcomes for students with disabilities. The Duluth, Minneapolis, Osseo, and St. Paul school districts became partners in the work to identify and implement evidence-based practices to improve graduation outcomes for these two student groups.

During the 2015-16 school year teams from MDE and each of the districts met together to go through a process of identifying and selecting an evidence-based practice that, when implemented with fidelity, would support improved outcomes for students with disabilities. By the end of the school year, all district teams selected Check & Connect as the evidence-based practice to be implemented at selected schools during the 2016-17 school year and beyond. MDE also designed the current State Personnel Development Grant (SPDG) to support SSIP implementation work with the University of Minnesota's Institute on Community Integration supporting Check & Connect training and coaching and PACER as a partner supporting family engagement.

In Spring 2016, partner districts completed their first District Capacity Assessment (DCA), an action assessment designed to guide school district teams to align efforts and resources around practices

intended to impact student outcomes. The DCA organizes implementation data into the areas of organizational, competency, and leadership drivers in order to leverage the impact of evidenced based/informed practices on student outcomes. The 2016 administration determined each district's current level of functioning to facilitate building-level implementation of Check & Connect, identified by systems, activities, and resources needed by schools to successfully adopt and sustain Check & Connect as a district practice over time. The DCA results then guided districts in developing individualized action plans to address areas of need while building on existing strengths. All four districts have shown an increase in their capacity to implement Check & Connect.

In April 2016, MDE submitted our Phase II report describing MDE's plans for department infrastructure changes, supporting district implementation of evidence-based practices, reporting progress and results, and evaluating the plan. The first Phase III report was submitted in April 2017, providing a summary of the key activities completed by partner districts and MDE teams as we began to develop the infrastructure necessary to put organizational supports into place and create and install the supports needed to improve outcomes for American Indian and Black students with disabilities. In 2017 and into 2018 Phase III reports also described how partner districts and MDE teams made significant progress in infrastructure improvements as districts installed and implemented Check & Connect, including ensuring administrative support for implementation, solidifying mentor selection processes, and delivery of training and coaching in, measuring fidelity of implementation and the scaling-up of Check & Connect.

OSEP has provided feedback regarding the 2018 SSIP Phase III submission. OSEP staff shared that they continue to be pleased Minnesota's progress and were especially impressed with MDE's collection and use of implementation, fidelity, and scaling data, asking what advice we might have for other states struggling with the collection of these types of data. They also found the work in which districts were engaging regarding the development of decision support data systems very promising. In the end, OSEP said it was clear that "...Minnesota sets a high standard or all your work and there is a great deal other states should know about what you are doing". Being able to continue reporting these outcomes is due to the hard work of our district partners, MDE teams, and external partners and we look forward to continuing our efforts in the coming year.

SEAP members learned about and provided valuable input toward MDE and local efforts to meet the challenge to increase graduation rates. Plans are to continue to identify opportunities to build district capacity to improve outcomes for students with disabilities and undertake collective and committed efforts to make graduation a reality for all Minnesota students.

Minnesota's Olmstead Plan

Minnesota's Olmstead Plan is a broad series of key activities to ensure people with disabilities are living, learning, working, and enjoying life in the most integrated setting. The plan will help Minnesotans with disabilities have the opportunity, both now and in the future to:

- Live close to family and friends.
- Live more independently.
- Engage in productive employment.
- Participate in community life.

In January 2013, Governor Mark Dayton issued an executive order establishing a subcabinet to develop and implement Minnesota's Olmstead Plan. As part of its primary role of providing direction and oversight of the development and implementation of the plan, the subcabinet has a particular responsibility to monitor the impact of the activities being undertaken by state agencies and delivery agents such as counties and providers. The subcabinet meets publicly each month.

SEAP members heard from MDE specialists about aspects of the Olmstead Plan in the department's areas of responsibility including assistive technology, maltreatment and person-centered planning. They offered comments and suggestions on those areas and ways to help local districts achieve and recognize progress toward the plan's goals, including through programs they are already implementing.

Coordinated Early Intervening Services (CEIS)

CEIS are services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment. IDEA and its regulations identify the activities that may be included as CEIS: (1) professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and (2) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

For example, a local educational agency (LEA) might use CEIS to provide behavioral interventions to nondisabled students who receive a certain number of disciplinary office referrals, perhaps as a part of a Positive Behavioral Interventions and Support (PBIS) initiative. CEIS also might be used to help fund reading or math specialists to work with nondisabled students who have not reached grade-level proficiency in those subjects, or to fund after-school tutoring for nondisabled students who score below "basic" on statewide assessments.

CEIS funds may be used to carry out services aligned with activities funded by and carried out under the Elementary and Secondary Education Act of 1965, as amended (ESEA), if IDEA funds are used to supplement, and not supplant, funds made available under the ESEA for those activities.

SEAP members kept informed about the latest developments in calculating significant disproportionality, risk ratio and reasonable progress for CEIS purposes and made valuable suggestions about PBIS policies and data gathering as they relate to affected groups.

Compliance and Assistance

MDE Division of Compliance and Assistance director Marikay Canaga Litzau and her staff continued to provide valuable information to SEAP members. Topics presented included the process of revising special education forms to improve readability and usefulness and the activities of workgroups dealing with restrictive procedures and seclusion and other areas of concern.

Statewide Assessment

Statewide testing of students receiving special education remained an area of interest for SEAP members. Topics presented and discussed included alternate assessment of students with disabilities, including caps on numbers of students participating; the ability of parents and guardians to refuse statewide testing of their students; and the limited circumstances under which students may not be tested for statewide assessment purposes.

Recruitment and Retention

MDE's Special Education Workforce Strategic Plan was presented to SEAP members, who discussed membership and the goals of workgroups contemplated to oversee and develop the plan. The group discussed the 2019 Biennial Minnesota Teacher Supply and Demand Report, reviewed concerns over teacher shortages and learned about partnerships being made through the Minnesota Mentor Program and Collaboration for Effective Educator Development, Accountability and Reform (CEEDAR) Center.

Professional Educator Licensing and Standards Board executive director Alex Liuzzi made presentations to the panel on how tiered licensure affected special education and efforts to reduce paperwork requirements for special education teachers.

Legislation and Administration

SEAP members welcomed newly-appointed MDE Commissioner Mary Cathryn Ricker. She shared updates including: a "thank you" to members for commitment to ensuring advocacy legislators understand cross-subsidies better than they ever have in the past. She acknowledged that general education experiences are part of a least restrictive environment and by limiting those funds, you inhibit the full experience. She spoke to the responsibility of addressing burnout in the special education workforce and asked, "What conversations should we have to ensure that our educators who are meeting the demands of special education are able to operate in the healthiest learning environment possible?"

Department staff kept SEAP members up to date on developments around proposed and enacted legislation dealing with state education funding, screening for disabilities, rules for student discipline, special education evaluations and paperwork.

Going Forward

SEAP is a broad-based constituency group that plays an active and influential role in improving the education of children and youth with disabilities in Minnesota. SEAP members participate on other state and local committees and task forces such as the special education teacher licensure task force and the MDE special education higher education forum. As a result of their membership on other groups, there is opportunity to communicate priorities and make connections. Working together helps all our efforts move forward. SEAP will continue to recommend improvements in the special education service system to improve outcomes for students.

SEAP Meeting Schedule 2018-19

Friday, August 17, 2018

Friday, November 30, 2018

Friday, January 25, 2018

Friday, April 26, 2018

SEAP meetings in 2018-19 were held at the Minnesota Department of Education Conference Center. SEAP meetings were scheduled from 9 a.m. to 4 p.m.

For information about SEAP [visit the Advisory Council's website](#).

For questions about SEAP please contact [Kristin Oien](#) at 651-582-8843.