



IMPACT

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Summer, 2013

Courage to Do the Work

"You will never do anything in this world without courage. It is the greatest quality of the mind next to honor." - Aristotle

Written by Jill Skarvold, MASE President and Director of Learner Support Services, Moorhead Area Public Schools

As MASE President during this past year, I have been in awe of the courage demonstrated by my colleagues across the state. It has truly been a year of learning, of trials, and of triumphs. And, throughout the year, courage has been evident as we have worked to make a difference in the education of students with disabilities.

Each year, the MASE Board creates a working document that sets priorities for the work that we need to do. This past year the Board focused on five areas: finances, membership, professional development, legislative, and working relationships with other organizations. MASE board members and MASE members have worked hard to ensure that we stay focused in those areas

and stay focused on our mission -- to support leaders who are working on behalf of students with disabilities.

We all know and understand that results don't come from a plan on a piece of paper. Instead, it's the execution of that plan that transforms a plan into reality. This past year, we have had members represented on 14 different committees, task forces, work groups, and other boards, each working to ensure that MASE has a voice in directing the work that is so important to ensuring the successful outcomes for students with disabilities. Our work needs to enable special educators to do the work that matters.



Jill Skarvold

The plan still has much left to do, however. We still need to be able to further influence the work in changing to a monitoring system focused on student outcomes and success since a system focused on compliance in paperwork does not improve student learning. In addition, the legislature has now directed that a task force be developed to

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2013 Legislative Session Summary

Written by Brad Lundell
MASE Lobbyist

The curtain came down (on time this year) and the 2013 legislative session is now complete. It was a productive session for the education community as an agreement was reached between the administration and the legislature to add another \$475 million above the base to programs funding early childhood education through twelfth grade. The pace was very hectic the last weekend and several items, including increased spending for special education, found their way into the bill in the latter stages of the negotiations.

In a bill this comprehensive, there is a lot of material, but it isn't difficult to pull out the highlights. The general education basic formula will increase by 1.5% in each of the next two school years, voluntary all-day kindergarten is fully funded, and a little over \$40 million has been dedicated to early childhood scholarships.

Here is a summary of the special education funding changes:

- The primary change is the establishment of a new special education formula that will be phased in over the next few years. The basis for the new formula is the same as that contained in the Governor's working group recommendations with a base formula calculated on students receiving free or reduced price lunch with additions to the base calculated on reimbursement amounts for certain sets of disability categories. For the next two school years, the new formula will be added to the current formula to reduce the cross-subsidy with hold-harmless provisions in place to ensure no district loses money in the transition. \$40 million has been added to the money available to the special education formulas in the bill.

- The growth factor for the special education base appropriation remains at 4.6% with the suspension of the growth factor for the first year of the next biennium when the new formula will replace the old formula.
- The special education excess cost formula is being rolled into the special education basic formula beginning in the 2014-2015 school year.
- Charter school and non-resident districts will pick up 10% of the costs associated with a student receiving special education services.



Brad Lundell

In the special education policy realm, the major changes are as follows:

- The recommendations of the working group on seclusion and restraint were largely adopted with the only major change from the report resulting in a two-year extension as opposed to a four-year extension for the allowable use of prone restraint.
- A task force will be convened over the coming summer and fall to study caseloads being handled by special education teachers both with and without paraprofessional support.
- \$1.7 million was appropriated to the Minnesota Department of Education to develop an on-line reporting system. This change was not included in either bill, but was a very high priority of Governor Dayton and was put into the

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Scott Hare (2012-14)

Director of Special Services, Shakopee Public Schools

Courage ... Continued from Cover

make recommendations regarding special education caseloads. As MASE members we need to be involved in the work that will significantly impact local decisions and finances. Furthermore, special education finance continues to be an area that needs to be improved even with the modifications and cross-subsidy reduction aid that came in this past legislative session (the infusion of \$40 million in new aid is less than 20% of the recommendation from the Education Finance Task Force). MASE has strongly supported equity in special education funding and it continues to need the organization's attention and voice.

Another area of work is around restrictive procedures. There were updates this past legislative session as well as the extension of the use of prone restraints in emergencies for two more years. An important aspect of this will be the work of MASE in working with other mental health providers to address the escalating mental health needs of children and youth in our schools. MASE members were involved in various ways in each of these above areas and we must continue to be present and be integral to the work – it all matters to the students for whom we work everyday.

It continues to be rewarding to be a part of MASE and see so many of my colleagues use their voice and work to influence the outcomes for students. Yet, we still have much to do to ensure that we can do the work that focuses on students and that looks at exemplary programs that truly do make a difference. As Winston Churchill said, "It is the courage to continue that counts." MASE will continue to work to make a difference. Thank you for your work and courage to do so as well!

IMPACT is your newsletter and we encourage your input! If you have ideas or an article to share, please contact us at the MASE offices—651/645-6272 or email us at aranallo@mnasa.org.

The Results Are In! 2013-14 Elections...

Congratulations to the following candidates who have been elected to MASE leadership positions. MASE appreciates these leaders for their commitment to MASE and Minnesota education and offers them thanks and best wishes as they begin their terms of service.

President-Elect: Cheryl Johnson, Executive Director, Goodhue County Education District

Treasurer: Lori Fildes, Director of Special Services, Wayzata Public Schools

Board Members

Area B (Region 7): **Nathan Lutzka**, Special Programs Director, Hibbing Public Schools

Area D (Regions 5 & 6): **Douglas Millaway**, Executive Director, West Central Education District

Area F-1 (Region 2): **Erin Toninato**, Director of Special Education, River Bend Education District

Area F-2 (Region 1): **Carol Anhalt**, Executive Director, Zumbro Education District

Area G (Region 9E): **Mary Kreger**, Director of Special Education, Rosemount-Apple Valley Eagan Public Schools

Retired Representative: **Gary Woodward**

Other Representatives

MNCEC Liaison: **Marcy Doud**, Director of Special Programs, W. St. Paul-Mendota Hgts.-Eagan Area Schools

Committee Chairs

Nominations:

Melissa Schaller, Director of Special Education, Intermediate School District 917

Legislative:

Jill Skarvold, Director of Learner Support Services, Moorhead Area Public Schools and
Darren Kermes, Executive Director, MN River Valley/Carver Scott Education Cooperative

Federal Advocacy:

Cheryl Johnson, Executive Director, Goodhue County Education District and
Scott Hare, Director of Special Services, Shakopee Public Schools

Professional Development:

Renae Ouillette, Director of Special Services, Lakeville Area Public Schools

Membership:

Anna Fleischmann, Director of Special Education, MN Valley Education District

Strategic Planning:

Cheryl Johnson, Executive Director, Goodhue County Education District and
Teresa Ostlie, Director of Special Education, SW/WC Service Cooperative

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bill late in the conference committee negotiations.

I would like to thank all of the MASE members who took time out of their busy schedules to work with the legislative committee and provide me with input when I needed it during the 2013 session. I look forward to continuing my work with the organization in the future.

CASE Annual Board Meeting Notes



Scott Hare

Written by Scott Hare, CASE Liaison and Director of Special Services, Shakopee Public Schools

I attended the CASE Board of Directors and Annual Membership meeting on April 3rd in San Antonio. As always, the board meetings provided an update on

trends, topics, and legislation at the federal level as well as an opportunity to discuss these and other areas in special education with your fellow directors from other states. I used the time to discuss with other directors how their states view FBA's as stand alone or part of a comprehensive evaluation. The information I gathered will be reported back to the MASE Board.

Two years ago, MASE brought together CASE Unit Presidents from several states in the Midwest to discuss special education topics at the federal level. The CASE board meeting presents an opportunity for this group of directors to continue its conversation and strengthen our approach in working with CASE.

Each of the committees of CASE presented reports on the highlights from the past year. A major initiative for CASE is to retain and expand its membership. Minnesota has 113 CASE members, down 6 from last year. This is not unlike other states which have seen a drop in

membership in CASE as well as CEC. If you have allowed your membership to lapse, please consider renewing, as both of these organizations play an important role at the federal level. Membership information is available at <http://www.casecec.org/membership/>.

The most exciting part of the CASE annual board meeting is listening to CEC policy updates from Deb Ziegler, Lindsay Jones, and Kim Hymes. After briefing the directors on sequestration, each of the states briefly spoke on the impact sequestration is having on their local districts. We are not alone in how the loss of federal dollars will have an impact on services to students with special needs.

Not only in the state of Minnesota is teacher evaluation important and a hot topic, the three spoke about the federal discussion regarding evaluation for special education teachers and presented CEC's position on the topic. You can view CES's position paper on evaluation as well as others on the CEC website.

As MASE moves forward with the federal advocacy committee, the information we receive from CASE and CEC on policy updates is important to provide direction and discussion on what the impact will have on services we provide to students in Minnesota.

SAVE THE DATE!

CASE 24th Annual Conference
September 26 - 28, 2013
Indianapolis, IN

Registration information will be available at www.casecec.org

Finding My Way

Written by Renae Ouillette
Executive Director of Student Services, Lakeville
Area Public Schools

I don't know about you, but some days I seriously question my decision to become a special education leader. Navigating the maze of laws, statutes, rules, regulations, policies, and contracts while juggling frustrated parents, overwhelmed teachers, and students who get naked and run around the school pool sometimes makes me want to throw in the towel! I begin to doubt my ability and wonder if I chose the wrong path. Why am I doing this? Where am I going? What will it look like when I get there?

To find answers to my many questions, I turn to books and articles on leadership. If you haven't checked lately, there are a lot of them—this makes me feel good as apparently I am not the only person who is grappling with leadership challenges. My research makes me more confused, though. There are so many theories, models, and 10-step plans for effective leadership. So, in an attempt to simplify things I have boiled successful leadership down to three core components and I keep coming back to them when I feel the need to hide under my desk, run screaming down the hall or stuff an entire bag of peanut M&Ms in my mouth. In these last few days before another school year ends, I hope they might help you too.

1. Stop Trying to Be a Hero

I cannot possibly solve every problem or fix every situation for others and I should not. As Margaret Wheatley puts it,

“You're acting as a hero when you believe that if you just work harder, you'll fix things; that if you just get smarter or learn a new technique, you'll be able to solve problems for others. You're acting as a hero if you take on more and more projects and causes and have less time for relationships. You're playing the

hero if you believe that you can save the situation, the person, the world. Our heroic impulses most often are born from the best of intentions. We want to help, we want to solve, we want to fix. Yet this is the illusion of specialness, that we're the only ones who can offer help, service, skills. If we don't do it, nobody will.”

I like being the hero. I like having people see me as visionary and inspiring. I like to fix things. Problem is, if I really want to change the system, I need to create the means for others to step up and contribute. I need to trust that most people are motivated, diligent, creative and willing to do good work. Even if it is quicker and easier to just “fix it” myself, in the long run people are more willing to support things they have had a part in creating. It is not my job to solve every problem, but it is my job to provide the conditions that encourage others to participate and take action.

2. Confront the Brutal Facts (Yet Never Lose Faith)

This concept comes from Jim Collins, author of one of my favorite books, *Good to Great*. Collins says, “When you determine the truth of your situation, the right decisions often become self-evident. It is impossible to make good decisions without infusion of an honest confrontation of the brutal facts.” Although it is one of the hardest things to do, I must examine my district's current reality and be aware of its brutal facts. This means I have to encourage staff to share facts (data) and opinions about our organization even if they are hard to hear. Creating a climate in which staff feels safe enough to be honest about their thoughts and feelings is tremendously difficult, especially in the us vs. them world of unions and administration. Carving out time to check in with people individually and really listen to their concerns and ideas isn't just a nice thing to put on my “if I have extra time” list; it is necessary if I want to make my department great.

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3. Approach Life with a Growth Mindset

Of all the books I have read, Carol Dweck's *Mindset* has been one of the most impactful. Dr. Dweck argues that there are two ways we can look at our skills and abilities: through a growth mindset or a fixed mindset. Leaders with a growth mindset (who assume talents can be developed) place high value on learning, are open to feedback, and are confident in their ability to cultivate their own and others' abilities. Leaders with a fixed mindset (who assume basic talents are carved in stone) place greater value on looking smart and are less likely to believe that they or others can change. Most of us grew up in a fixed mindset system of education where taking risks, making mistakes and failing were not okay and being viewed as perfect was the goal. I know this was my experience and I brought it into my leadership. Rather than seeing my mistakes and failures as learning experiences I could use to strengthen my leadership, I saw them as evidence of my inherent inability to lead. I also failed to see

the value in encouraging others to stretch themselves, to think outside the box, to accept failure as a way to learn and grow. Although I still have bad days and I get stuck in thoughts like "I'm a total failure" or "I am so stupid", I am now able to stop and shift back to a growth mindset that says, "What can I learn from this?" and "How can I do better next time?" Improvement and new learning are my goals, not perfection. I find that when I am in a growth mindset I am more excited about each challenge and can't wait to implement new ideas, even if they result in failure.

There you have it: stop trying to be a hero, confront the brutal facts (without losing faith), and approach life with a growth mindset. These core concepts have helped me find my way as a leader. I still haven't reached leadership nirvana but I am learning and growing everyday and I am thankful for the opportunity.

If you are interested in engaging in more conversation about leadership, email me anytime at renae.ouillette@isd194.org.

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— Mission approved by the MASE Board of Directors, June 2008

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TRANSITIONS

On the Move: Retirees & District Changes

Congratulations!

...to MASE members who are retiring this year

Karen Filla, Director of Student Support Services, Eden Prairie Schools

Kathryn Hagen, Interim Asst. Director of Special Services, Edina Public Schools

John Klaber, Director of Special Education, Mankato Area Public Schools

Karen Joyer, Director of Special Services, N.St. Paul-Maplewood-Oakdale School District

Dennis Molesky, Asst. Director of Special Education, Paul Bunyan Education Coop.

Gaynard Brown, Director of Special Education, Paul Bunyan Education Coop.

Lynda Gault, Director of Special Programs, Richfield Public Schools

...to MASE members who are moving into new positions

Heidi Hahn, Director of Special Education, Paul Bunyan Education Coop.

Mark Dunlap, Director of Special Education, Little Falls Community Schools

Janell Bullard, Executive Director, MAWSECO



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- The Council of Educational Facilities Planners, Twin Cities Public Television, and Cuningham Group Architecture, Inc. for our year-long Design Thinking project
- The Bush Foundation for offering their video, *Redesigning MN: A Lesson in Change*
- LifeTouch for providing our portrait studio and photographing our events

The spring MASA Foundation Silent Auction was a huge success! Thanks to all who donated auction items and participated in the bidding! This year's auction made \$3,200 to support professional development for school leaders.

We'd also like to thank our 86 exhibitors who shared their latest products and services! Our exhibitors provide significant support for our conference and we appreciate their participation.

Congratulations!

Stenswick-Benson Scholarship Recipients Announced

The Stenswick-Benson scholarship fund began in 1991 in memory of two Minnesota Directors of Special Education: Ellsworth Stenswick from Bloomington and Loren Benson from Hopkins. Both are considered pioneers in the field of special education. These fine colleagues and their families wanted to make a lasting contribution to the field of special education by starting a fund to support aspiring leaders.

The scholarship fund started with a \$4500 contribution from family and friends of Ellsworth and Loren and an additional contribution from the Huestad Foundation. The fund has increased to more than \$150,000 as a result of the biannual fundraisers during the MASE Fall Leadership Conference. Scholarships are awarded to individuals completing exemplary graduate studies in the field of special education at a Minnesota public college or university.

This year three recipients will receive \$2000 each. Sincere thanks to MASE members for your generous contributions! Congratulations to the recipients of the 2013 Stenswick Benson Scholarships:

- Kristen Hillesheim, MN State University-Mankato
- Laurie Hume, St. Mary's University of MN
- Deanna Lawrence, St. Cloud State University

Visit the MASE Website!

The MASE Website is a resource for you! You'll find many member resources including the MASE calendar, publications, model contracts, legislative hot topics and more...

www.mnase.org

MASE Calendar

2013

Sunday – Wednesday, July 14 - 17
CASE Annual Education Seminar
Washington D.C.

Wednesday - Friday, July 24 - 26
Legends Women's Retreat
Ruttger's Sugar Lake Lodge, Grand Rapids

Friday, September 6
MDE Directors' Forum

Thursday- Saturday, September 26 – 28
CASE Annual Fall Conference
Indianapolis, IN

Monday - Tuesday, September 30 – October 1
Rtl Summit
St. Paul

Friday, October 4
Ratwik School Law Seminar

October 5 - 8
NASDSE Conference
Atlanta, GA

Wednesday, October 23
MASE Board of Directors Meeting
Cragun's

Wednesday - Friday, October 23 - 25
MASE Fall Leadership Conference
Cragun's

Wednesday - Friday, November 13 - 15
Curriculum Leaders' Conference
Cragun's

Thursday, December 5
MASE Board of Directors
MASE Offices

Friday, December 6
MDE Directors' Forum

2014

Wednesday, March 12
MASE Board of Directors Meeting
Marriott, Brooklyn Park

Thursday - Friday, March 13 - 14
MASE/MASA Spring Conference
Marriott, Brooklyn Park

Wednesday - Friday, May 7 - 9
MASE Best Practices Conference
Madden's (Wednesday dinner - Friday lunch)

June 19 - 20
MASE Board of Directors Retreat
Madden's, Brainerd

Recognizing and Responding to Bullying and Harassment of Special Education Students

by Nancy E. Blumstein,
Attorney and
Erin E. Ische, Attorney
Ratwik, Roszak & Maloney, P.A.

As special education administrators know, bullying is a widespread problem in schools across the nation and, because of their vulnerabilities, students with disabilities are often prime targets of it. As discussed below, bullying has implications under both Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act ("IDEA"). As such, bullying poses significant liabilities for school districts. In addition, when not appropriately addressed, bullying of disabled students in schools can also lead to negligence claims against a school district. As a result of their experience and familiarity with the students with disabilities in a school, special educators may be in the best position to serve as the eyes and ears of a school when it comes to recognizing the signs of bullying and harassment based on disability, calling the problem to the attention of school administrators, and assisting them in initiating an appropriate response to it. For these reasons, it is important that special educators are trained to recognize bullying and how to appropriately respond to it.

First, it is important that special educators know what actions may constitute bullying. Unfortunately, there is no clear cut answer to that question. Although Minnesota law requires that school districts adopt a written policy prohibiting intimidation and bullying, the Minnesota Legislature has not defined the term "bullying." Minn. Stat. § 121A.0695. However, guidance regarding what constitutes bullying can be gleaned from sources outside Minnesota law. For instance, in its model anti-bullying policy, the Minnesota School Boards Association ("MSBA") defines "bullying" as "any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended

to cause or is perceived as causing distress to a student or a group of students and which substantially interferes with another student's or students' educational benefits, opportunities, or performance." MSBA Model Policy No. 514.



Nancy Blumstein

The MSBA's model policy goes on to say that "[b]ullying includes, but is not limited to, conduct by a student against another student or a group of students that a reasonable person under the circumstances knows or should know has the effect of: (1) harming a student or a group of students; (2) damaging a student's or a group of students' property; (3) placing a student or a group of students in reasonable fear of harm to person or property; (4) creating a hostile educational environment for a student or a group of students; or (5) intimidating a student or a group of students." *Id.* Bullying has also been defined as physical, verbal, or psychological actions inflicting or attempting to inflict discomfort upon another through a real or perceived imbalance of power. See *T.K. v. New York City Dep't of Educ.*, 779 F.Supp.2d 289 (E.D.N.Y. 2011).



Erin Benson

Webster's Dictionary defines a "bully" as "a person who hurts, frightens, threatens, or tyrannizes over those who are smaller or weaker." Webster's Unabridged Dictionary (2nd ed. 1983). The above definitions demonstrate that the term "bullying" may be interpreted broadly in the school setting.

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Next, special educators need to be able to assist school level administrators in better understanding the potential ramifications of permitting the bullying of a disabled student to occur in their school. They need to explain that, depending on the circumstances, bullying may result in a denial of a free appropriate public education ("FAPE") under either IDEA or Section 504. A student who is exposed to ongoing and significant bullying may be able to successfully argue that he or she is being denied the education from which he or she may receive meaningful educational benefit. An examination of some recent cases will provide further insight into the potential repercussions of the bullying of disabled students.

The issue of whether a student was denied FAPE as a result of the bullying she experienced at the hands of her peers came up in a recent New York case in which a student sought private school tuition reimbursement. Specifically, in *T.K. v. New York Dep't of Educ.*, parents of a student who had been ostracized by her peers, pushed, and ridiculed on a daily basis sought reimbursement for private school tuition after they enrolled their child in private school so that she would not continue to be subjected to the bullying conduct. In this case, there was evidence that the school district knew that the student was bullied but did not take action. The United States District Court for the Eastern District of New York denied the school district's motion to dismiss, and held that "[w]here bullying reaches a level where a student is substantially restricted in learning opportunities she has been deprived of FAPE." *Id.* The court explained that whether the bullying of the student rose to a level where the student was substantially restricted in learning opportunities was a question of fact.

In a similar case recently decided by the United States District Court for the Middle District of Pennsylvania, the court held that parents of a student with ADHD, a speech-language impairment, and Asperger Syndrome, were not entitled to private school tuition reimbursement after the parents rejected an IEP proposed by the school district and placed their child in private school. In this case, the student was both the victim and perpetrator of bullying. His

parents asserted that the school district did not adequately address the bullying he endured, which led the student to exhibit suicidal ideation. See *T.B. v. Waynesboro Area Sch. Dist.*, 2011 WL 718516 (W.D. Pa. Feb. 22, 2011). When rejecting the parents' claim for tuition reimbursement, the Pennsylvania court focused on the fact that the student had been progressing while attending school in the school district and that the proposed IEP was appropriate. While the school district succeeded in defending the parents' claim in this case, special educators need to remember that the underlying facts of a case can often affect a court's ruling. In this case, the fact that the student was also a perpetrator of bullying may have significantly affected the court's decision. Under different facts, a parent could be granted tuition reimbursement, notwithstanding academic progress, if they could establish that the bullying of a student constituted a denial of FAPE because it affected the student's access to his or her special education program.

In addition to the implications that bullying and harassment have on the provision of FAPE, the teasing and taunting of students with disabilities could give rise to a claim of disability harassment and discrimination under Section 504. The Office for Civil Rights ("OCR") has said that school districts must adopt a comprehensive approach to eliminating a hostile environment, including "disciplinary action against the harassers, consultation with the district's Section 504/ Title II coordinator to ensure a comprehensive and effective response, special training for staff on recognizing and effectively responding to harassment of students with disabilities, and monitoring to ensure that the harassment did not resume." OCR Dear Colleague Letter, 55 IDELR 174, October 26, 2010. Similarly, OCR has also said that, under Section 504, Title II, and the implementing regulations, "once a school district has notice of possible disability-based harassment between students, it is responsible for determining what occurred and responding appropriately." *Santa Monica-Malibu (CA) Unified Sch. Dist.*, 55 IDELR 208 (OCR 06/30/10).

**Bullying ...
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Bullying ... Continued from Page 11

According to OCR, “[a]lthough school districts cannot be responsible for harassment of a student by another student when they have no knowledge of the harassment, once a district gains knowledge of student harassment or receives a complaint of such, it has an obligation to respond appropriately and initiate an investigation when warranted.” *Id.* A violation of Section 504, Title II, and the implementing regulations, may occur if “(1) the harassing conduct was sufficiently serious to deny or limit the student’s ability to participate in or benefit from the educational program; (2) the district knew or reasonably should have known about the harassment; and (3) the district failed to take appropriate responsive action.” *Id.*

Because special educators are often in the best position to observe bullying or harassment of special education students, and/or to receive information from parents regarding suspected bullying or harassment, they should be trained to immediately make school and district administrators aware of any possible bullying that they may observe or are provided notice of. It is only in this way that district administration can quickly and appropriately investigate and respond to potential bullying situations. When responding to allegations of bullying or harassment, it is important that school districts make sure that their practices are consistent with their anti-bullying and harassment policies.

School districts that fail to appropriately respond to incidents or complaints of bullying may also be found to have acted negligently. In a recent decision, the Tennessee Court of Appeals found a school district negligent after a disabled student was injured at the hands of a school bully. See *Phillips ex. rel. Gentry v. Robertson County Bd. of Educ.*, 2012 WL 3984637 (Tenn. App. September 11, 2012) (Slip copy).

In *Phillips*, a student who had been diagnosed with Anxiety Disorder and Adjustment Reaction with Asperger’s Developmental Disorder was hit in the eye with a book by another student, leaving him legally blind in that eye. Earlier that same school year, the student’s parent requested that her son be evaluated for special education services. According to the testimony of the

parent and school district staff, the parent had also repeatedly reported incidents of bullying and teasing to school officials. Although the student was found ineligible under IDEA, the school district convened support team meetings to discuss modifications to assist the student, including “preferential seating and a card system to give him a way of signaling to a teacher that he was being bullied or felt stressed.” *Id.* In addition, the school psychologist was to check on the student’s progress weekly. One month before the student was injured, the school psychologist and principal received a letter from the student’s treating physician stating that the student “would need assistance with ‘social negotiation’ and that ‘children and youth such as [the student] are often teased and bullied.’” *Id.* The physician went on to suggest a number of specific strategies to help the student at school. The following month the injury occurred when the student’s teacher was not present in the classroom.

Testimony in *Phillips* revealed that the teacher was not made aware of the student’s special needs, and was never provided information from the physician’s letters or otherwise regarding the student being susceptible to bullying. The Tennessee Court of Appeals affirmed a lower court decision that the school district acted negligently. Specifically, the court said that, “[g]iven what it knew about [the student’s] developmental limitations, including his inability to react appropriately to social cues and his tendency to have meltdowns, the school board should have foreseen that he could be injured by another student when left unsupervised.” *Id.*

The court further said that the district was negligent when it failed to disseminate important information about the student’s Asperger’s diagnosis and his problems with bullying. The Tennessee Court of Appeals affirmed the lower court’s award of \$300,000.00 in damages to the student and his family. *Id.*

While it is not a Minnesota case, the *Phillips* decision illustrates the importance of watching for signs of bullying and making sure that

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information regarding bullying gets into the hands of individuals who need to know in order to do their jobs. Failing to do so could result in a high cost, both in terms of student injury and legal liability. Once again, because of their access to and unique knowledge about the disabled students in a school building, special educators and other members of a student's IEP team must be directed to be on the lookout for potential bullying situations and to pass information regarding their concerns to those within the school or school district who have been charged with the responsibility for investigating and responding to those complaints.

Given the pervasiveness of bullying and harassment in the school setting and the high costs associated with it, it is important that allegations of bullying are thoroughly investigated. If an investigation reveals that bullying occurred, a school district must move promptly to take steps that are reasonably calculated to end the bullying or harassment, eliminate any hostile environment and its effects, and prevent the bullying or harassment from recurring. What constitutes an appropriate response depends on the specific facts involved. What is appropriate could be as simple as separating the accused bully and the victim, or they could be much more complicated. No matter what, the worst thing that a school district, including special educators, can do in the face of bullying is to do nothing.



SAVE THE DATE!

2013 MASE Fall Leadership Conference

October 23-25, 2013
Cragun's Resort, Brainerd

Mark your calendars today for the
annual MASE Fall Conference!

Participate in the First Annual MNSELF Golf Tournament

July 30, 2013

Lunch at 11 am, Tee off at 1 pm

Oak Glen Golf Course, Stillwater
Consider gathering a foursome (district office team, administrative leadership team, etc.), for the first annual MNSELF Golf Tournament. All are welcome! This tournament provides a wonderful opportunity for golfers of all skill levels to enjoy a golf tournament on a beautiful course located in historic Stillwater.



Proceeds benefit leadership development programs for future and current special education leaders. Registration information is available on the main page of the MASE website: www.mnase.org.

Have you renewed your membership?

Membership materials have been mailed.
For more information or additional membership materials, contact the MASE office at (651/645-6272 or members@mnasa.org) or visit our website at (www.mnase.org).

Quality Conferences
Network of Your Colleagues
Skill Development Workshops
Publications
State and National Legislative Advocacy
and Much More!

Are You Moving?

Now is the time of year when many of our members are on the move! Help us keep track of you (and therefore keep your MASE benefits and services coming to you!). Just give Deb a call (651/645-6272 or 866/444-5251), fax her a note (651/645-7518), or email her at members@mnasa.org and she will update your records. Also, if you have new colleagues in your area who are not MASA members, let us know and we will send membership information to them.

Joining the New Adventure: MASE and the Institute on Community Integration

Written by Eileen Klemm, Check & Connect Project Coordinator, Institute on Community Integration, University of Minnesota

In the previous issue of IMPACT, Jan Ormasa described a new adventure for MASE: business partnerships. Jan and I crossed paths a couple years ago in our former roles of interim early childhood special education coordinator for Osseo Area Schools and special education compliance specialist for the Minnesota Department of Education, respectively. We recently crossed paths again, she as the new executive director of MASE and me as the new project coordinator of the Check & Connect Project at the University of Minnesota's Institute on Community Integration (ICI). Jan came to visit us at ICI on April 19th. ICI director David R. Johnson, Jan, several of my colleagues, and I discussed how ICI and MASE's visions align. Jan described her vision for MASE business partners with great enthusiasm for developing future leaders and improving outcomes for students with disabilities through evidence-based practices. We decided then and there to become partners.

What is the Institute on Community and why does it exist?

The Institute on Community Integration (ici.umn.edu) was founded at the University of Minnesota in 1985 to help individuals with disabilities achieve their potential. It is a federally designated University Center for Excellence in Developmental Disabilities (UCEDD). ICI's mission is:

"Through collaborative research, training, and information sharing, the Institute improves policies and practices to ensure that all children, youth, and adults with disabilities are valued by, and contribute to, their communities of choice."

ICI has over 80 projects and five affiliated centers. These projects and centers carry out ICI's mission through interdisciplinary pre-service and continuing education, technical assistance, research, and dissemination.

Why was Check & Connect developed?

One of ICI's many projects is Check & Connect (checkandconnect.umn.edu). Check & Connect was originally developed in the early '90s with the goal of addressing the disproportionate high school dropout rates among students with disabilities. It was developed by a partnership of researchers, practitioners, parents, and students led by ICI in conjunction with Minneapolis Public Schools, with funding from the U.S. Department of Education, Office of Special Education Programs (OSEP). The reason Check & Connect was originally developed is similar to the reason that MASE exists: to improve educational outcomes for children and youth with disabilities.

As Check & Connect continued to be studied and refined through subsequent grant funding from OSEP and other sources, it was redefined as a student engagement model emphasizing school completion with academic and social competence, instead of simply a dropout prevention program. In 2006, Check & Connect met the What Works Clearinghouse (WWC; <http://ies.ed.gov/ncee/wwc/>) evidence standards and "was found to have positive effects on staying in school..." It remains the only dropout prevention reviewed by WWC for showing positive effects.

So what exactly is Check & Connect?

Check & Connect has four main components:

1. A mentor who makes a long-term commitment of working with students for at least two years

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2. Regular checks of the student's academic and behavioral data (e.g., grades, attendance), at least weekly, by the mentor
3. Timely interventions, such as problem-solving with the student, driven by the "check" data
4. Engagement with families

Check & Connect is now being implemented across the country with K-12 students in both general and special education. It can be used on its own or with universal interventions such as Positive Behavioral Interventions and Supports (PBIS) or Response to Intervention (RtI). For schools or districts implementing PBIS, Check & Connect can be used to support students who need more individualized interventions. Check & Connect also incorporates the principles of Response to Intervention; in Check & Connect, schools use data to identify students at risk of early school leaving, monitor progress on variables related to engagement (e.g., attendance, behavioral suspensions, credit accrual), implement evidence-based interventions, and adapt these according to an individual student's response.

Where is Check & Connect being implemented?

Check & Connect has been implemented across the country and around world; it is currently being implemented nationwide in New Zealand. However, we know the most about implementing locations with which we have a close relationship as grant partners for efficacy studies or demonstration projects. Currently we have 4 efficacy studies in progress. As part of these projects, Check & Connect is being implemented at several comprehensive high schools and charter schools in the San Diego Unified School District; at 4 large high schools in San Jose, CA; within two school boards from the Greater Montreal Area; and in Chicago Public Schools (23 schools serving grades 1-7). In addition to these research project sites, Florida was recently awarded a State Personnel Development Grant (SPDG) to build district, school, and teacher capacity to increase school completion rates for students with disabilities by increasing student engagement. Check

& Connect is being scaled up in Florida from 2012-2017 with ICI providing training and implementation support.

Is it being implemented in Minnesota?

Minneapolis Public Schools, where Check & Connect was initially developed, began including funding for Check & Connect mentors in its core school district budget in 2010. We also support several grant projects in Minnesota which include Check & Connect as one of their components. One such project is Connecting Through Service, which is serving high school students at-risk of dropping out of the Fond du Lac Ojibwe School. Another project is Making a Map: Finding My Way Back. This project, which is just beginning, will serve juvenile offenders with disabilities transitioning from juvenile justice facilities into secondary and postsecondary education, employment, and community programs. The project is based in Ramsey County and will result in a tested re-entry and reintegration model that can be adopted nationwide by other schools, juvenile justice programs, and communities.

To learn more about Check & Connect implementations in Minnesota and elsewhere, visit <http://checkandconnect.umn.edu/research/default.html> and <http://checkandconnect.umn.edu/community/spotlight.html>.

How can we learn more about research and demonstration projects at ICI, including news from Check & Connect?

We have several listservs to keep you informed:

- Institute on Community Integration email newsletter, <http://ici.umn.edu/subscribe.php>
- National Center on Secondary Education and Transition, <http://www.ncset.org/eneews/eneewsSignup.asp?hit=1>
- Check & Connect, http://checkandconnect.umn.edu/list_news_signup.html

As we join in your new business partnership adventure, we will be advancing both of our organizations' missions.