

IMPACT

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Summer 2020

Reflecting and Moving Forward

"Today, resilience has a much broader meaning. For researchers and professionals working with kids, it's not just about 'bouncing back.' It's about 'bouncing forward.' Resilience doesn't just mean getting back to normal after facing a difficult situation. It means learning from the process in order to become stronger and better at tackling the next challenge." -

Donna Volpitta, EdD, founder of the Center for Resilient Leadership

s we come to the end of a school year that has been compounded by an unprecedented pandemic and horrific racist events and violence, I want to first acknowledge the weight these events bear on our students, school communities, and educational leaders. Please know that your MASE organization is here to help and provide a network of support through a variety of resources, communication, and advocacy, as well as professional development to assist you now and as we move forward.

Secondly, I want to acknowledge the positive work that has been accomplished before and since the

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beginning of the pandemic. The MASE Fall Leadership Conference, Leadership Matters, was a great success and had record attendance. Members were provided with an excellent variety of learning, networking opportunities, and time to relax and build collegial relationships. I am grateful to the professional development committee and our MASE administrative team for coordinating such quality learning



Cheryl Hall
Director of Special Services
Northfield Public Schools
2019-20 MASE President

opportunities. During the conference, the fundraising committee tried something new and successfully raised \$13,292.86 for the Stenswick-Benson Scholarship fund. These dollars support students pursuing a career in the field of special education and special education administration. We also held our annual meeting, reviewed the MASE Strategic Plan and our progress toward these goals, and gathered input from members to help determine our next steps.

The legislative committee worked hard and created an ambitious legislative platform and outstanding brochure to communicate with our legislators and our communities. The platform again focused on changes that would positively impact special education services, reduce paperwork for staff, and promote equitable funding for our districts. Unfortunately, the legislative session was disrupted by the pandemic, and bills that had momentum were put on hold. We will resume our work in the fall to prepare once again for the next session.

Our federal advocacy activities included the

President's Message continued on page 6.

partners

Special thanks to our 2019-20 MASE Business Partners!

The MASE Business Partnership program strengthens the ties between MASE members and their collaborative partners in the public, private and non-profit sectors. Our goal is to advance the field of special education and improve student outcomes with an emphasis on proven, evidence-based practices.

Tier 3

Edgenuity, Inc.

Grand Canyon University

Kennedy & Graven, Chartered

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Strategic Staffing Solutions

Trinity3 Technology

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Ratwik, Roszak, & Maloney, P.A.

Rupp, Anderson, Squires & Waldspurger, P.A.

Sourcewell

SpEd Forms

Tier I

CAREI

Invision Services, Inc.

Transition Assessments and Curriculum

UCP/Infinitec

Univ.of St. Thomas, Dept. of Special Education

2020-21 Membership Renewal!

As we close this very unusual school year, we at MASA and MASE — our leadership and staff — hope you and your communities are well and safe. We would like to remind you that we are here for you. If you need us for anything, please contact us. We would also like to thank you for being a part of your professional association(s). It is always important to engage with your professional community, but in times like these it is especially crucial to have a strong community of support. Thank you for being a part of your association(s).

Whether you are an active or retired member; a member of MASA, MASE, or a joint member, your active participation keeps your associations dynamic and strong. In turn, your associations provide you with a wide and growing variety of benefits and services. If you would like to review your member benefits, you can find that information here: https://www.mnasa.org/Page/796.

We are once again using an online platform for renewing your membership(s). We have assessed the platform and made a number of revisions this year that will make the online form easier to use.

Renewing members received an email on Wednesday, May 20, 2020 from deb.larson@mnasa.org with your unique member password for accessing your membership form. This was the member password that you created for your 2019-20 membership. When you use it, your form will automatically be filled out with your membership information. Simply review the information, make any changes, and indicate how you would like to pay your dues.

As always, if you have questions or need assistance, contact the association offices at members@ mnasa.org, 651-645-6272, or 1-866-444-5251 (toll-free).

To renew your membership(s)

- Go to: https://events.resultsathand.com/membership/1194
- Select your membership from the top of the page.
- Are you new to MASA / MASE?: Select "No, I am a returning member."
- Enter your 2019-20 email address
- Enter your 2019-20 member password

Note: Renewing members received an email on May 20 with membership log-in information from deb.larson@mnasa.org.

You will then see your membership form with all the fields already populated. From here you can see your membership data for the 2020-21 school year, make any needed changes, and enter your payment for your dues.

You may use a credit card, PayPal, or choose "invoice me," in which case an invoice will be automatically emailed to you.

We look forward to serving you in the coming year!

EXECUTIVE

notes

ell, you made it. During the course of about 10 days you designed and put in place a distance learning model that met the needs of your students and to the best of your abilities was respectful of the equity challenges faced by your community. You figured out how to deliver childcare to your community's critical responders because that was also likely on your plate. Take a breath, and I hate to disappoint but that's all you've got time for...one deep breath!

Now, you must try to figure out what programming will look like in the fall with the possibility of some form of face-to-face instruction. The necessity for social distancing has increased my opportunities to meet with MASE members. On any given day, I might be "zooming" with folks in and around Bemidji as well as those in and around Zumbrota. The following are suggestions gleaned from regional/area meetings I've been able to join over the past few weeks:

- I. Measure your facilities and the specific rooms (classrooms and others) to determine how many individuals can be safely allowed in the space.
- 2. Calculate the amount of PPE necessary based on the number of staff and also multiple sets needed per day.
- 3. Determine staff training that will be required as it relates to the use of PPEs and disinfecting procedures.
- 4. Figure out the screening and cleaning processes and supplies necessary to do it.
- 5. Which staff members will be willing and able to deliver face-to-face instruction?
- 6. Which staff members may not be willing and able to deliver face-to-face instruction?
- 7. How will you deliver both face-to-face and distance learning to your students.
- 8. Consider potential staffing shortages, especially setting IV programs. If a hybrid model requires more staff, what resources do school districts have for hiring and how are the additional costs managed?
- 9. What your transition programming looks like, especially if there is typically a community component.

- Determine what contract changes/understandings with your employees may be necessary.
- II. If you are leading a cooperative, determine where your superintendents/ districts are on delivering services and compliance with health safety procedures.



John Klaber MASE Executive Director

- 12. If you are leading in a single district, the same questions should be answered.
- 13. Is there a way to improve internet availability?
- 14. What changes to busing may be necessary?

 Originally, thoughts were there would be a 9 to 1 staff to student ratio. Now that has been changed to allow greater capacity with alternate seating arrangements, and families can sit together, increasing the number of students allowed on the bus.
- 15. Decide how you will respond to parents unwilling/able to send their student(s) back to school.
- 16. Decide how you will respond to community members who will refuse to comply with the most basic social distancing and face mask protocols.
- 17. Determine your response to student noncompliance with health and safety rules based on perceived constitutional rights concerns.
- 18. Consider your response to staff non-compliance with health and safety rules based on perceived constitutional rights concerns.
- 19. Can you complete some of the backlogs of assessments yet this summer, or do you have a plan for the fall?
- 20. Have you had a conversation with your attorney(s) to discuss possible legal challenges?

This message also allows me the opportunity to reflect on yet another year as your Executive Director. I'll forgo the anticipated listing of the activities that did not take place because of COVID-19, and instead I prefer to share with you the remarkable work done

Executive Notes continued on page 5.

MASE IMPACT

Summer 2020

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2019-20 BOARD OF DIRECTORS

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Cheryl Hall

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Deb Anderson

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MASA Component Group Representatives: **Janell Bullard** (19-21)

Director of Special Education, MAWSECO

Renae Ouillette (17-20)

Exec. Director of Student Services, Lakeville Area Public Schools

Retiree Representative (17-21)

Nan Records

National CASE Liaison (18-20)

Cheryl Johnson

Executive Director, Goodhue County Education District

MNCEC Liaison (13-21)

Marcy Doud

Assistant Superintendent of Specialized Services, Saint Paul Public Schools

Executive Director John Klaber

Executive Notes from page 4.

on your behalf by your MASE Executive Committee and our staff. None of those folks originally signed up to juggle the responsibilities of MASE leadership and service with the challenges of COVID-19. Our office staff hardly missed a beat, moving from working in our offices to working from home. They juggled necessary time and activities at the office to ensure social distancing, and I suspect that none of our members were the wiser. It has been a remarkable effort.

Our Executive Committee continues to provide guidance and support as we lead MASE. There has not been a single request of their time that has been unanswered. Other MASE members have volunteered for various MDE committees and workgroups, as well, assuring that you are well represented. Planning for the MASE Fall Leadership Conference has started with a focus on celebrating our organization's 50 years of service to students and families with disabilities in Minnesota. So, I'll close with a heartfelt thank you to many and a special thank you to:

- · Cheryl Hall, President
- Sarah Mittelstadt, President-Elect
- Laura Pingry-Kile, Past President
- Erin Tonninato, Secretary
- Scott Masten, Treasurer
- Brad Lundell, MASE Lobbyist
- Mia Urick, Director of Professional Learning
- Dave Christians, Associate for Leadership Support and Communications
- Stephanie Kastanos, Associate for Accounting and Events
- Jeanna Vohnoutka, Associate for Leadership Support, Website, and Jobsite
- Deb Larson, Associate for Membership and Data Management

I hope that you can take some time to recharge your batteries. Please know that you are not in this alone and you have the wonderful benefit of being part of an organization that stands ready to support and to serve you. You are a fortunate member of MASE.

Stay well!

IMPACT is your newsletter and we encourage your input! If you have ideas or an article to share, please contact us at (651) 789-4061 or send an email to dchristians@mnasa.org.

President's Message from page 1.

Legislative Summit in Washington D.C. last July and again in early March, just as the pandemic was beginning to take hold in the U.S. It was an interesting time to be away from home, riding subways and following the news of a potential shutdown. We carried our message and shared our stories with our senators and state representatives of the very urgent need to fully fund IDEA and the impact of the cross-subsidy on each of our districts, supporting services of mental health and provide equitable and stable funding to states and districts.

As the year progressed, the MASE Board of Directors shifted its attention to supporting districts as they addressed school closures due to the pandemic and began implementing distance learning. We also supported communication among our members, MDE and MDH to help share your perspectives and questions. Executive Director John Klaber and MASE Board members worked behind the scenes to gather your feedback and experiences with the pandemic and to coordinate information flow to help get the answers we all desperately wanted and needed to make the best decisions for our students and staff to implement distance learning. I am so proud to be a part of a member organization that came together and demonstrated brave leadership during this pandemic. So many of you shared your expertise to assist one another to build and implement emergency distance learning systems, due process procedures, and shift our instructional practices. This tremendous effort supported our staff, students, and families in this time of crisis to the best of our abilities. While we are still deep in this work, we begin our reflective process and know we must do better to address the inequities our students with disabilities and their families face during distance learning. We also understand that our work is also part of the larger system and will include addressing the racial biases and inequities that our black and brown students face.

How might we harness this momentum and take this crisis as an opportunity to do better as we "bounce forward?" It will require us to develop stronger leadership skills. One skill to focus on is to learn to listen, as Shane Shafir stated in her book, *The Listening Leader*; "Listening helps us unlock creative thinking and empower the least empowered members of our communities."

I have been honored to have this opportunity to serve as the President of MASE this year and grateful to have worked alongside all of you in our common mission to serve students with disabilities. I wish you well as you continue to grow, learn and do better for all students.

MASE Business Partnership Renewal

This year, renewing your business partnership membership will be even easier because we have established an online platform for your renewals. You can renew your membership online at this link: https://events.resultsathand.com/ mase/1198. Simply click on the "membership form" tab on this page and you can arrange and pay for your membership. MASE offers three tiers of membership, and each level of partnership and the related benefits are described on the form.

MASE also has a strong presence on a national level, through our participation in the National Council of Administrators of Special Education (CASE) and through MASE's Federal Advocacy Committee.

We sincerely hope that you will renew your business partner membership! If you would like a reminder of your current membership level, you can check on our web site at https://www.mnase.org/19-20-partnerships.html, or call our office (651-645-6272). For those of you who are interested in arranging your newsletter advertising, note the advertising link on the online page as well. Business Partners receive discounted advertising.

Please be sure to mark your calendar for the MASE Fall Conference, October 21 - 23, 2020. We will be celebrating MASE's 50th anniversary and it would be great to have you with us as a partner in our 50th year of service to Minnesota's students with disabilities. We hope to gather in person at Madden's in Brainerd!

MASE Election Results

ongratulations 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 St. Croix River Education of service!



Jamie Nord Executive Director MASE President-Elect

President-Elect (20-21)

lamie Nord, Executive Director, St. Croix River **Education District**

Secretary (20-22)

Dena Hagen, Director of Special Education, Northern Lights Special Education Cooperative

Area C (Region 4) (20-22) Michelle Bethke-Kaliher, Dir. Student Support Services,

Alexandria Public Schools

Area D (Region 5 & 6) (20-21)

Amy Ernst, Director of Special Education, Buffalo-Hanover-Montrose Schools

Area F-I (Region 2) (20-21)

Erin Toninato, Director-Region 9, SC Service Cooperative



Dena Hagen Director of Special Education Northern Lights Special Education Cooperative MASE Secretary Nominee



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mase board

President Sarah Mittelstadt

Director of Special Services Southern Plains Education Coop. 1200 North Park Street Fairmont, MN 56031 Phone: 507-238-1472 sarah.mittelstadt@ southernplainsedcoop.org

President-Elect **Jamie Nord**

Executive Director St. Croix River Education District 425 South Dana Avenue PO Box 637 Rush City, MN 55069 Phone: 320-358-3616 jnord@scred.k12.mn.us

Past President Cheryl Hall

Director of Special Services Northfield Public Schools 1400 Division Street South Northfield, MN 55057 Phone: 507-645-3410 chall@northfieldschools.org

Secretary (20-22) Dena Hagen

Director of Special Education Northern Lights Special Education Cooperative 16 East Highway 61 Esko, MN 55733 Phone: 218-655-5018 dhagen@nlsec.org

Treasurer (19-21) Scott Masten

Director of Special Education Lake Agassiz Special Education Cooperative PO Box 628 Hawley, MN 56549 Phone: 888-267-5380 smasten@lagassiz.com

Area Representatives:

Area A (Region 8) Even Year Election (18-22) Judd Fredstrom Assistant Dir. of Special

Education Area Special Education Coop. 1505 Central Avenue NW East Grand Forks, MN 56721 Phone: 218-773-0315 jfredstrom@asec.net

Area B (Region 7) Odd Year Election (19-21) Jason Crane

Director of Special Services Duluth Public Schools 215 North 1st Avenue East Duluth, MN 55802 Phone: 218-336-8741 jason.crane@isd709.org

Area C (Region 4) Even Year Election (20-22)

Michelle Bethke-Kaliher Dir. Student Support Services Alexandria Public Schools 1410 South McKay Ave. Suite

Alexandria, MN 56343 Phone: 320-762-2141 mkaliher@alexschools.org

Area D (Region 5 & 6) Odd Year Election (20-21)

Amy Ernst Director of Special Education Buffalo-Hanover-Montrose Schools 214 1st Avenue NE Buffalo, MN 55313 Phone: 763-682-8721 aernst@bhmschools.org

Area E (Region 3) Even Year Election (19-22)

Melissa Hanson Director of Special Education SWWC Service Cooperative 2001 William Avenue, Suite 140A Montevideo, MN 56265 Cell: 320-905-3581 melissa.hanson@swsc.org

Area F-1 (Region 2) Odd Year Election (20-21) Erin Toninato

Director-Region 9 SC Service Cooperative 2075 Lookout Drive North Mankato, MN 56003 Phone: 507 389-1914 etoninato@mnscsc.org

Area F-2 (Region 1) Even Year Election (16-22)

Robert Dehnert Director of Special Services Faribault Public Schools 710 17th Street SW Faribault, MN 55021 Phone: 507-333-6002 rdehnert@faribault.k12.mn.us

Area G (Region 9E) Odd Year Election (19-21) Tricia St. Michaels

Director of Student Services N. St. Paul-Maplewood-Oakdale School District 2520 East 12th Avenue North St. Paul, MN 55109 Phone: 651-748-7450 tstmichaels@isd622.org

Area H (Region 9W)

Even Year Election (18-22) **Deb Anderson**

Director of Student Support Service

Prior Lake-Savage Area Schools 4540 Tower Street SE Prior Lake, MN 55372 Phone: 952-226-0033 danderson@priorlake-savage.

k12.mn.us

Retiree Representative Odd Year Election (17-21)

Nan Records Regional Low Incidence Facilitator Sourcewell 202 12th Street NE, PO Box 219 Staples, MN 556479

Phone: 888-894-1930 nan.records@sourcewell-mn.gov

Other Representatives:

MNCEC Liaison (ex officio) Odd Year Election (13-21)

Marcy Doud Assistant Superintendent of Specialized Services Saint Paul Public Schools 360 Colborne St. Saint Paul, MN 55102

Phone: 651-767-8321 marcy.doud@spps.org

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Executive Director Goodhue County Education District

395 Guernsey Lane Red Wing, MN 55066 Phone: 651-388-4441 cjohnson@gced.k12.mn.us

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Exec. Director of Student Services Lakeville Area Public Schools 17630 Juniper Path, Suite A Lakeville, MN 55044 Phone: 952-232-2011 renae.ouillette@isd194.org

Janell Bullard (19-22)

Executive Director MAWSECO 720 9th Avenue, PO Box 1010 Howard Lake, MN 55349 Phone: 320-543-1122 jbullard@mawseco.k12.mn.us

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Executive Director Cell: 507-469-9096 Office: 651-645-6272 jpklaber@gmail.com

Mia Urick

Director of Professional Learning Direct: 651-645-7231 Cell: 651-491-4557 urickm@mnasa.org

Legislative Consultant **Brad Lundell**

Phone: 651-220-7459 brad.lundell@schoolsforequity.org

20-21 Committee Chairs:

Nominations:

Laura Pingry-Kile pingry-kilel@district112.org

Legislative Co-Chairs: Cheryl Hall (20-21) chall@northfieldschools.org

Melissa Hanson (20-22) melissa.hanson@swsc.org

Jeff Jorgensen (19-21) jeff.jorgensen@edinaschools.org

Federal Advocacy Co-Chairs: Jamie Nord jnord@scred.k12.mn.us

Darren Kermes

dkermes@swmetro.k12.mn.us

Professional Development Co-Chairs:

Melanie Kray

mkray@swmetro.k12.mn.us

Holle Spessard

hspessard@tcu2905.us

Membership Co-Chairs: Tami Alphs

tami.alphs@alschools.org

Diane McCarron

diane.mccarron@gmail.com Strategic Planning Chair:

Jamie Nord

jnord@scred.k12.mn.us

Business Partner: Sarah Mittelstadt sarah.mittelstadt@

southernplainsedcoop.org Scott Masten

smasten@lagassiz.com

John Klaber

ipklaber@gmail.com

Fundraising Subcommittee: Keith Erickson kerickso2310@gmail.com

Chad Williams cwilliams@isd717.org

LEGISLATIVE



want to start by expressing my respect and admiration for each of you as special education directors during these challenging times. My new saying is "The frequency with which the word 'unprecedented' has been used is truly unprecedented." Enough with the cornball wordplay, but I think everyone in Minnesota owes you a debt of gratitude for what educators have done over the past few months during the distance learning period. With uncertainty ahead, I am sure there will be new challenges, but I know from what was accomplished thus far that educators throughout the field will be up to those challenges.

The 2020 regular session ended with a thud. It was not for lack of effort, but from those of you facing the impediments inherent in distance learning, many similar stumbling blocks plagued the Legislature as it sought to finish its work. Like education, legislating is people business, and there is no substitute for face-toface (as opposed to ZOOM-to-ZOOM) interactions when it comes to making decisions. Floor action was terribly slow as roll-call votes often took ten minutes as opposed to a minute or less in the regular legislative environment.

HF 163—the omnibus education policy bill—was a casualty as it passed the House late during the last evening's proceedings but could not make it to the Senate prior to the Senate's adjourning for the session. That bill contained several items that MASE had worked on, including an expansion of eligibility for students with IEPs in non-related disability services to receive instructional support under ADSIS and the ability for districts to perform a Functional Behavioral Assessment as a stand-alone procedure instead of it being required as part of a comprehensive student assessment (with parent approval), but the clock ran out on the bill. There may be an opportunity for the bill to resurface during the likely special sessions that will take place over the summer but is an open question at this point.

There were several initiatives that MASE had concerns over during the session that did not become law but will be discussed over the summer in preparation for reintroduction in 2021. At the top of that list is the legislation that would mandate that schools allow a private duty nurse to accompany a student during the school day under physicians' orders.

There are numerous concerns coming from many MASE members about that proposal and it is an extremely high priority of the advocacy community. As stated earlier, discussions will take place during the interim in an attempt to find compromise language or compromise approach that ensures students Brad Lundell are served while not disrupting MASE Lobbyist the educational process. It is a



thorny issue that will take work to successfully address.

The days ahead will likely witness on-going questions and I am at your disposal if you need insight and information. The beginning of the 2020-2021 school year is only two-and-a-half months away, and there are so many questions as to how school will proceed if COVID-19 is not sufficiently in the rearview mirror. Whether it is a continuation of distance learning, a resumption of school as it was prior to the pandemic, or a hybrid of those two poles, there will be new hurdles to navigate. As usual, if you have questions or comments, don't hesitate to contact me at 612-220-7459 or lundelllegislative31@gmail.com. Thanks for all you are doing for students throughout Minnesota. I am proud to be your voice at the Capitol.

2020-21 MASE Committee Sign-Ups

The MASE Committee sign-up form is now available at: https://forms.gle/BLeLZtN8yX8Xud3J9

The sign-up will close at 4 pm on September 1.

Committee terms are for one year. If you are currently serving on a committee and wish to serve again, please re-register - you will not automatically be placed on your current committee. Please refer to the 2019-20 MASE committee list at www.mnase. org/committees if you are unsure of your current committee standing.

advocacy

DEIA was not written with a pandemic in mind...a common statement in every legal update for special education directors. We all need to recognize we have not been in compliance with IDEIA because it isn't possible to be in-line with many federal laws during this time. Personally, I think Minnesota did an awesome job!

The CARES Act directed the Secretary of Education to develop waivers for state and local organizations during the pandemic. CASE, CEC, several state agencies, and state special education director organizations (including MASE), signed off on a common letter requesting certain flexibilities. Secretary DeVos agreed to only minimal flexibilities. The Chicago Teachers Association sued Secretary DeVos stating that the paperwork and refusal to provide these flexibilities is resulting in the inability of special education teachers to have the time they need to teach students during distance learning.



Sarah Mittelstadt
Director of Special Services
Southern Plains Education
Cooperative
MASE Federal Advocacy
Co-Chair
2019-20 MASE President-Elect

As we continue through this process, it may be more important than ever to become aware of federal legislation and how to advocate. Each year the Council for Exceptional Children (CEC) and Council for Administrators of Special Education (CASE) hold a legislative summit. This is an

incredible opportunity to learn about key issues in federal legislation as well as advocacy skills. This year this summit will be held virtually at no cost to CASE members. Please consider this amazing opportunity. Information and registration online at https://specialeducationlegislativesummit.org.



The Stenswick Benson Scholarship Award Program began in February of 1991 through MASE (Minnesota Administrators for Special Education). Its purpose is to recognize the legacy of the many leaders within Special Education represented by Ellsworth Stenswick and Loren Benson through a scholarship award to an individual completing exemplary graduate study in the field of

special education.

We are pleased to announce the 2020 Stenswick Benson Scholarship Recipients:

- Patrick Archibald, Southwest/West Central Service Coop, Director's License at Southwest Minnesota State University
- Regina Magedanz, Rocori Public Schools, Director's License at St. Cloud State University
- Shelly Theis, Hutchinson Public Schools, Director's License at Minnesota State University
- Eric Fergen, St. Paul River's Edge Academy, Director's License at the University of Minnesota

We are grateful to the Directors who nominated scholarship candidates. Your encouragement and recognition is very meaningful in ensuring that we maintain leadership excellence in our special education programs.

Thank you to all of you who have donated to the program. Funds are primarily raised through our new raffle, the silent auction, and our wine tasting donations every other year during the MASE Fall Leadership Conference. The fund started with \$4500 in 1991 and this year our endowment is over \$250,000. To review the list of past Stenswick Benson Scholars visit: https://www.mnase.org/stenswickbenson-scholarship.html.

We appreciate the work of our scholarship committee. This group's effort in recruiting nominations and reviewing the applications is behind the scenes and sometimes challenging, especially when there are many excellent applications relative to the funds available for scholarships. Thank you to our scholarship committee:

Shannon Erickson, Committee Chair, Director of Special Education, Fergus Falls Area Special Education Coop Keith Erickson, Retired Director of Special Education

Eva Pohl, Director of Special Education, PAWN Coop

Kori Ryan, Director of Special Education, Indigo Education

Jill Skarvold, Regional Low Incidence Facilitator, Lakes Country Service Coop

Congratulations, Scholars — we look forward to seeing your leadership grow!

Due Process during COVID-19: Q&A

s the regular school year comes to a close and a potential for a hybrid Extended School Year ("ESY") model exists, there are many questions about how to provide students and families with appropriate due process. This article is based on the current guidance and we expect changes in some areas as the best practices during COVID-19 develop.

I. Evaluations

I. Are school districts permitted to begin evaluations or re-evaluations during the summer? What if an evaluation was delayed because it required in-person testing?

Yes, evaluations may be done in the summer months. The Minnesota Department of Education ("MDE") guidance states: "... a charter school or district is encouraged to complete Part C and Part B special education initial evaluation/reevaluations that require in-person assessments and observation in-school during summer programming, consistent with [Minnesota Department of Health] guidance." If a school district has chosen to provide summer and ESY programming through a distance learning model or a hybrid programming, then the in-person assessments and observations may take place in school.

Carefully consider whether there is a requirement to do in-person testing in order to have a comprehensive evaluation. If the district cannot do an evaluation during summer, the team might consider what parts of an evaluation may be completed during the summer months to expedite an evaluation in the fall. These steps might include obtaining an authorization from parents to collect and review outside records. Parent response forms could be sent for completion in the summer. You may be able to develop an evaluation plan in draft, send to parents and obtain their input in writing or via a virtual meeting. A Prior Written Notice ("PWN") with the agreed upon start date in the fall would then be sent to parents to confirm.

2. May school districts conduct 504 evaluations during the summer?

Yes. Pursuant to MDE guidance, the same principles guiding the school district's decision to hold in-person evaluations for special education services under

the Individuals with Disabilities Education Act ("IDEA") "apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504, or who is being evaluated under Section 504." 2

3. Are schools required to do evaluations during the summer?

No, but school districts are permitted and encouraged to complete evaluations over the summer.

4. If the school district has chosen a hybrid model of in-person and distance learning for extended school year, should we be conducting in-person testing for evaluations that were delayed during COVID-19?

The school district is not required to do this. As mentioned above in Question I, the school district may do testing over the summer.3 Be sure to make an individualized decision about whether testing can be done or should be delayed. Use a PWN to communicate the school district's Megan J. Renslow proposal to parents. If testing is delayed, set a reasonable date for the evaluation to begin in the fall.



Laura Tubbs Booth Attorney & Partner Ratwik, Roszak & Maloney, P.A.



Christian R. Shafer Attorney & Shareholder Ratwik, Roszak & Maloney, P.A.



Attorney Ratwik, Roszak & Maloney, P.A.

5. How many days do school teams have to finish an evaluation when school resumes in the fall?

School districts must complete evaluations and re-evaluations in 30 school days.4 ESY and summer school days are not "school days" for this calculation.⁵

6. Is a student entitled to compensatory education if the school team was not able to complete an

Legal Notes continued on page 12.

Legal Notes from page 11.

initial evaluation during distance learning and that student qualifies in the fall? Is she entitled to the services she missed because of the delay in evaluation due to COVID-19?

Currently, this is an unanswered question. There are two considerations in this case: first, did the district timely propose an evaluation in accordance with its child find obligation? And second, was the delay due to the COVID-19 closure and distance learning requirements? If there is a child-find delay, compensatory education is likely owed to the student. If the delay is solely due to COVID-19, it was not the school district's failure to evaluate that caused the delay and we would argue compensatory education is not owed.

7. If a school district has chosen a hybrid model of in-person and distance learning for extended school year, may it discontinue the in-person learning if the student is not following social distancing measures and other COVID-19 requirements?

Yes. The school district should contact the parent and obtain input about how to program for the student to ensure she receives ESY services required for a free appropriate public education (" FAPE"). A PWN should be sent to confirm the offer and obtain parental agreement.

However, if the student is misbehaving, the Pupil Fair Dismissal Act would govern how to respond. If the student's behaviors are due to her disability, the change in programming is an Individualized Education Plan ("IEP") team decision.⁶

II. Prior Written Notice

8. If the school district did not complete a Prior Written Notice for its distance learning plan in the 2019-2020 school year, should the school district provide a PWN if distance learning or hybrid model continues in the 2020-2021 school year?

Yes. IDEA requires that parents have input into their student's special education programming. Thus, the first step should be to offer a virtual IEP team meeting or phone meeting to discuss the services for the 2020-21 school year. IDEA requires that the school district provide a PWN when it proposes or denies services.⁷ It is the best way to communicate

with parents and document that there was an opportunity for parental input.

9. If a Prior Written Notice was not done for an evaluation that was requested but not able to be completed in the 2019-2020 school year, what would you recommend we do now?

The school district can create a PWN that explains why the evaluation was not able to be completed and indicates when the IEP team can meet to develop an evaluation plan. Be sure to carefully consider whether an evaluation or some parts of it could take place during the summer. These decisions require an individualized review of whether an evaluation or reevaluation could take place during COVID-19 restrictions.

III. Extended School Year

10. Should the IEP determine that ESY is required because the student did not receive some or all of her special education services during COVID-19?

No. ESY is a separate determination based on three criteria. Eligibility is based on data collected throughout the school year. Accordingly, the IEP team should review data that was collected during COVID-19 as part of their decision. Whether compensatory education is required is a separate analysis and one for which there is little guidance currently.

IV. Compensatory Education

II. How do we decide who is eligible for compensatory education and what to provide after COVID-19?

Pursuant to MDE Guidance issued on June I, 2020, "compensatory education is an individualized determination of whether a student is in need of compensatory education due to services not being provided or accessed during the distance learning period. The compensatory education individualized determination is not made until schools resume normal operations." We recommend that school districts do not automatically assume that students will receive compensatory education. Compensatory education is available when a school district fails to do something. In this case, if the school district failed to provide the services, then a determination of compensatory education may be warranted. But if it provided services to the extent possible during

Legal Notes from page 12.

COVID-19, we would assert that compensatory education is not owed. Further guidance from the United States and Minnesota Departments of Education will hopefully clarify this issue.

12. If a school district has chosen a hybrid model of in-person and distance learning for extended school year, can the school district categorically exclude certain groups of students with disabilities (e.g., students who require toileting assistance, students who are immunocompromised, students with behavior needs) from in-person services?

No. IDEA requires an individualized assessment of whether the student could be served in-person during a hybrid model of ESY. For example, a student who requires toileting could have a schedule that does not require toileting during the shorter ESY school day to abide by Minnesota Department of Health guidance. Districts may determine that certain grade levels will not be provided with in person learning because younger students may not be able to comply with the COVID-19 requirements."

13. If a school district is providing ESY through distance learning and a student is attending a day treatment program, does the school district have to provide transportation to/from the day treatment center?

Pursuant to statute, "the district of residence is responsible for providing transportation to and from the care and treatment program and an appropriate educational program for the child." Accordingly, if it is determined that the appropriate educational program for the child takes place at home, then the school district must provide transportation from the student's home to the treatment program and back.

14. What obligation, if any, does a school district have to provide ESY (either via distance learning or a hybrid model) to homeschooled students?

Home schooled students are considered private school students – or nonpublic students in Minnesota. Nonpublic students are required to receive a FAPE in Minnesota. ¹³ If ESY is required to provide a FAPE, then the school district must provide services.

15. If a student aged out or graduated at the end of the 2019-2020 school year, could a school district be obligated to provide compensatory education? If so, how should schools determine what is appropriate for compensatory

education?

Yes. The school district would be required to provide compensatory education if the services were not "received or accessed." Even if a student has aged out or graduated, compensatory education is available for failures to provide FAPE while they were a student. ¹⁴ The district should identify students who did not receive services or those that may not have accessed services and schedule a fall IEP team meeting to determine whether compensatory education is required and what services are required.

16. If a student aged out or graduated on June 30, 2020, could a school district be obligated to provide ESY to the student?

No. 15 Qualification for ESY services is a separate analysis as discussed above.

Conclusion

The IDEA requires individualization of services based on a student's needs and circumstances. ¹⁶ It is important during the COVID-19 pandemic that school districts make individualized determinations regarding how to evaluate, serve and collect data on students' education.

- MDE Guidance, Special Education and COVD-19 Questions and Answers: Due Process, June 1, 2020. We refer to charter schools and traditional school districts as "school districts" in this article.
- MDE Guidance, Special Education and COVD-19 Questions and Answers: Due Process, June 1, 2020; see also OSEP/OSERS Supplemental Fact Sheet, dated March 21, 2020.
- MDE Guidance, Summer Programming Guidance for Schools, May 29, 2020.
- 4. Minn. R. 3525.2550
- 5. 34 C.F.R. § 300.11
- See generally, Minn. Stat. § 121.40 to 121A.56.
- 34 C.F.R. § 300.503; see also MDE Guidance, Special Education and COVD-19 Questions and Answers: Due Process, June 1, 2020.
- 8. Minn. R. 3525.0755
- MDE Guidance, Special Education and COVD-19 Questions and Answers: Due Process, June 1, 2020; see also OSEP/OSERS Supplemental Fact Sheet, dated March 21, 2020 (emphasis added).
- MDE Guidance, Summer Programming Guidance for Schools, May 29, 2020.
- 11. Id.
- 12. Minn. Stat. § 125A.15(c); see also Minn. Stat. § 125A.51(d) ("When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence, . . . the district of residence must provide . . . necessary transportation to and from the care and treatment program for the pupil.").
- 13. Special School District No. 1 v. R.M.M., 861 F.2d 769 (8th Cir. 2017).
- Letter to Riffel, 34 IDELR 292 (OSEP 2000).
- 15. See generally Minn. R. 3525.0755.
- 16. Endrew F. v. Douglas County School District, 137 S. Ct. 988 (2017).

Are You Moving in 2020-21?

Now is the time of year when many of our members are on the move! Help us keep track of you - and keep your MASE benefits and services coming to you. Please fill out this online form to let us know if you will be moving positions or districts for the 2020-21 school year!

MASE Transitions Online Form: https://forms.gle/DsNbh98KvR5K8An19

If you have new colleagues in your area who are not MASE members, please let deb. larson@mnasa.org know and we will send membership information to them.

CORONAVIRUS INFORMATION AND RESOURCES

As we attempt to keep you updated with the latest (and constantly evolving) information regarding COVID-19, school closures, and student/ staff support, MASE and MASA will be collaborating to get information to you as quickly as possible.

MASE has a COVID-19 resource page on our web site at www.mnase.org/covid-19

Site content postings will be in chronological order, with the most recent posts first on the site.

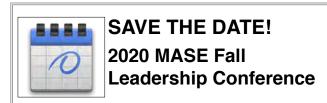
All email communication from MASE will be sent to all MASE and MASA members.

If you have questions or concerns, please contact the MASE offices:

members@mnasa.org 651-645-6272 1-866-444-5251 (tf)

Save the Date! 2021 MASA/MASE Spring Conference

March 11-12, 2021
Minneapolis Marriott Northwest
Brooklyn Park, MN



October 21-23, 2020

Madden's on Gull Lake, Brainerd

RESEARCH TO

practice

Distance Learning: Transitioning to a New Reality

he end of the school year has always been a reflective time for me. It is an opportunity to pause and celebrate successes, think about barriers that are impeding our ability to make progress toward our system-wide goals, and identify ways to collaborate on creative solutions. As the 2019-20 school year comes to a close, we have all found ourselves in an unprecedented reality. The COVID-19 pandemic has put life as we know it on hold, and we have had to transition quickly to a new world of distance learning. The calling of educators has always been a challenging and noble pursuit, and never has that been more on display than this moment. On behalf of the Center for Applied Research and Educational Improvement, I want to take this moment to express how much we appreciate the tremendous work that you all have done to benefit students across the state.

We have quickly pivoted some of our efforts to identify ways that we can support you now and in the future as we transition back to "normalcy." Following is a brief summary of our efforts:

- CAREI is providing support to the MDE through the Wisconsin Minnesota Comprehensive Center (WMCC) through a grant with the federal government. As part of the Comp center work, the commissioner and deputy commissioner have asked us to review a sample of MN distance learning plans to summarize descriptive information about the structure and content of plans to learn more about how districts are addressing critical issues of access to education within their school communities. We have reviewed a stratified random sample of 269 distance learning plans and plan to provide a range of examples of how districts are implementing distance learning practices and identify areas that might need more support should distance learning continue or a 2nd round occurs in the future. Results of this review will be completed by the end of the month.
- The College of Education and Human
 Development (CEHD) at the University of
 Minnesota is attempting to gather information
 from educators to aggregate the needs of
 all districts in the state and identify ways the

University can support school districts in the future. The key assumption is that, at some point in the 2020-2021 school year, schools may need to be in at least a hybrid mode of distance learning and may need greater levels of support to do that effectively. To that end, we have developed a survey for educators to complete about the



Kim Gibbons, Ph.D. Director Center for Applied Research and Educational Improvement (CAREI)

implementation of distance learning during Spring of 2020. We will provide district leaders with district level reports for your district as well as a report of how your district compares to the entire survey sample at no cost. The survey is completely voluntary and should take no more than five minutes to complete.

- Implementing Principles of Reimagine Minnesota in a Period of Remote Teaching and Learning is a document that complements the 2019 Expanding the Vision of Reimagine Minnesota Report which built on an extensive multi-year engagement and collective roadmap effort led by the Association of Metropolitan School Districts (AMSD). Produced by the University of Minnesota's College of Education & Human Development in partnership with The Minneapolis Foundation and other funders, the 2019 report provided overviews of current research and practical recommendations related to themes raised in the original Reimagine Minnesota roadmap. As the COVID-19 pandemic grew and educators moved to decentralized distance learning, a team of researchers at the University of Minnesota provided insights into what students, parents, teachers, educators and policy makers should be considering as they implement new learning strategies while continuing efforts to disrupt education disparities.
- CAREI is helping to curate resources around distance learning. There are certainly many

Research to Practice continued on page 18.

-update

Support Narrow, Targeted, & Temporary Flexibilities in IDEA

Cheryl Johnson, Executive Director, Goodhue County Education District, CASE Liaison

hank you to those of you who have already visited the new CASE Action Center and joined the national message about the Find The Flexibility Campaign. We are including this information again so that if you haven't had the chance, you can be reminded that it is not too late. We need to urge Congress to take action to include narrow, temporary, and targeted flexibilities so that our focus can continue to be on delivering quality services to students with disabilities and not on compliance with a law that wasn't designed for a pandemic. CASE has also joined AASA and ASBO in asking that Congress include IDEA funding in the next COVID-19 package.

An excerpt from the letter reads:

"Our organizations have championed the full funding of the Individuals with Disabilities Education Act (IDEA) for decades and we believe it is critical that the next relief package provides more resources to districts to ensure they are meeting their obligations under IDEA for each student with a disability that we educate as we transform the delivery of education in the upcoming school year.

We write to request key flexibility around a provision in IDEA that is intended to ensure districts maintain constant spending levels on special education, despite other budgetary pressures they experience."

To help you support these efforts, the CASE Action Center has templates ready for you to use to email, tweet or call your elected officials.

Finally, here are some suggested Media Posts to

Suggested Social Media Posts

Congress should support narrow, temporary, and targeted flexibilities in #IDEA. Let's be sure to support students with disabilities & their families during this pandemic. #FindTheFlexibilities #WeKeepLeading https://bit.ly/IDEAFlexibility

Support for narrow, temporary, & targeted flexibilities will allow educators and families to continue working together as #IDEA intended. #FindTheFlexibilities #WeKeepLeading https://bit.ly/IDEAFlexibility

I'm an educator who supports narrow, temporary, & targeted flexibilities in #IDEA to ensure we stay focused on educating students with disabilities during this unprecedented situation! #FindTheFlexibilities #WeKeepLeading https://bit.ly/IDEAFlexibility

School districts will continue to focus on students with disabilities if Congress can grant narrow, temporary, and targeted flexibilities in #IDEA #FindTheFlexibilities #WeKeepLeading https://bit.ly/IDEAFlexibility

Parents and families have always worked together. Now is not the time to stop. Let's #FindTheFlexibilities in #IDEA so that we can continue to focus on what is important during this pandemic. #WeKeepLeading https://bit.ly/IDEAFlexibility

We cannot give up on students with disabilities. They cannot be left behind. Tell your members of Congress to #FindTheFlexibilities #WeKeepLeading https://bit.ly/IDEAFlexibility

#IDEA wasn't built for a pandemic. Let's work together to #FindTheFlexibilities so that school districts can continue to focus on educating students with disabilities. #WeKeepLeading https://bit.ly/IDEAFlexibility

Pandemic penalties! That's what school districts and states are up against because of this unprecedented situation. We need Congress to #FindTheFlexibilities #WeKeepLeading https://bit.ly/IDEAFlexibility

School teams should be focused on students during the pandemic - instead, Congress wants us to focus on paperwork. Tell Congress to #FindTheFlexibilities #WeKeepLeading https://bit.ly/IDEAFlexibility

CASE Update Continued.

CASE Letter on its Commitment to Equity

Cheryl Johnson, Executive Director, Goodhue County Education District, CASE Liaison

ach of you have had the opportunity to see the public statement on equity and social justice issued by CASE on June 3rd following the death of George Floyd and the worldwide protests that ensued (included below). Both the unrest and the COVID-19 pandemic have strained students and families with whom we work. As educational leaders, you have been front and center to the challenges that our students of color, our students with disabilities and our English learners have faced.

There are many unknowns about this fall. However, we have had the opportunity to witness many of the challenges that existed in distance learning. These challenges will remain regardless of the model that is chosen for the fall. Now is the time to work on solutions.

One such challenge that became clear was the lack of background knowledge and professional development our educators had in engaging students effectively online. The seemingly overnight shift from in class instruction to virtual instruction was a big ask. Now is the time to hone skills we learned during distance learning and increase our ability to reach each and every student. That engagement begins with building relationships. We also had learners without access to devices and/or the internet. Every student must have access to their district's chosen model on the first day of implementation. Anything less is parallel to telling a student they can't attend school. We need to advocate for funding and policies that increase broadband accessibility and technology resources.

There were many challenges beyond the few just mentioned, but you know what they were. The important point is that each of you will be involved in creating plans for this fall that are accessible to all of our students. Whether we are back in "brick and mortar," implementing a hybrid system or we return to distance learning, we need to ensure that our policies and practices are inclusive of all learners. Be vigilant and prioritize equity.

June 3, 2020

Dear Colleagues,

The Council of Administrators of Special Education (CASE) is dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual in society and we reaffirm these commitments and beliefs as leaders in the field of special education today. We recognize, however, that beliefs and commitments are not enough and, as an organization, we believe the systemic conditions and underlying factors including institutional racism resulting in the deaths of George Floyd, Ahmaud Arbery, and Breonna Taylor and many other untold victims require immediate actions to redress the harms caused. Our country is in the midst of two national crises - the COVID-19 pandemic and the racial unrest. Both of these crises are disproportionately impacting communities and individuals of color across our country.

We can and must do more. CASE commits to working with its members across the country to strengthen our systems, engage in difficult conversations, and develop resources to bring about meaningful, positive change so the civil rights of everyone, and in particular, those who have been marginalized in society, are honored. In the words of Dr. Martin Luther King Jr., "Injustice anywhere is a threat to justice everywhere." CASE will engage in a planning process to ensure our policies and positions are inclusive. We will also focus on strategies to increase representation of people of color in leadership roles in special education across the country. We will consider actions and mindsets that center equity, inclusion, respect, collaboration, deep listening, and unity in a way that brings us all together toward better outcomes. Members or others with specific ideas about how to undertake this important work should contact Phyllis Wolfram at pwolfram@casecec.org or our President, Erin Maguire at emaguire@ewsd.org.

In partnership,

Erin Maguire, President | Dr. Mike Asip, Unit Development Chair | Dr. Pam Baker, Product Committee Chair | Dr. Mary Lynn Boscardin, Journal Editor | Dr. Julie Bost, Membership Committee Chair | Eric Hoppstock, Treasurer | Dr. Adam Leckie, Publications Chair | Myrna Mandlawitz, Legislative Consultant | Kindel Mason, President-Elect | Gary Myrah, Past-President | Heath Peine, Professional Development Chair | Dr. Kevin Rubenstein, Policy and Legislative Chair | Dr. Gina Scala, Research Chair | Greta Stanfield, Secretary | Carrie Turner, Technology & Communications Chair | Phyllis Wolfram, Executive Director

MASE CALENDAR

2020

June 26

MASE Board of Directors Meeting

Virtual Meeting

July I

Membership Renewal

July 12-15

CASE Legislative Summit

The Weston, Alexandria, VA

September 25

Special Education Advisory Panel (SEAP)

MDE Conference Center A, Room 13

October 21

MASE Board of Directors Meeting

Madden's on Gull Lake, Brainerd

October 21-23

MASE Fall Leadership Conference

Madden's on Gull Lake, Brainerd

November 5-7

CASE Fall Conference

Salt Lake City, UT

November 20

Special Education Advisory Panel (SEAP)

MDE Conference Center A, Room 13

December 3

MASE Board of Directors Meeting

MASE Offices, St. Paul

Research to Practice from page 15.

resources at our disposal to utilize in transitioning to distance learning, and yet we continually hear from educators that they are overwhelmed by the sheer volume of resources. We have a **resource guide** developed that we will continue to expand upon in the upcoming months. In addition our April **Research Watch** provided a summary of several distance learning resources.

The University of Minnesota wants to identify ways we can be helpful to the educational community. However, the University is a large system, and I often hear that it is difficult to know who to call. I would encourage you to think of CAREI as the entry point. Please feel free to reach out to me at kgibbons@umn. edu or 612-625-9751 with any questions, and I can help direct you to appropriate resources. I wish you all a safe and healthy summer as we all reflect and plan for the start of a new school year.

2021

Janaury 22

Special Education Advisory Panel (SEAP)

MDE Conference Center A, Room 13

March 10

MASE Board of Directors Meeting

Minneapolis Marriott NW, Brooklyn Park

March II-I2

MASA/MASE Spring Conference

Minneapolis Marriott NW, Brooklyn Park

April 16

Special Education Advisory Panel (SEAP)

MDE Conference Center A. Room 13

May 12-14

MASE Best Practices

Madden's on Gull Lake, Brainerd

June 25-26

MASE & MASA Board of Directors Retreats

Minneapolis Marriott NW, Brooklyn Park

October 27

MASE Board of Directors Meeting

Madden's on Gull Lake, Brainerd

October 27-29

MASE Fall Leadership Conference

Madden's on Gull Lake, Brainerd



Special Education Legislative Summit

July 12-15, 2020

Alexandria, VA

www.specialeducationlegislativesummit.org

CASE Fall Conference

November 5-7, 2020 Salt Lake City, Utah

Registration information at www.casecec.org