

## Excited and Hopeful

**P**ast  
Thirty-nine years ago I started my career as a special education student teacher. The classroom I taught in was in the basement of a large, four-floor state hospital building, just one of fifteen matching buildings that were filled with adults and children with disabilities. According to a 1985 report<sup>1</sup> prepared by the University of Minnesota, the state hospitals were developed as places to put people who were seen as "defective" or "insane." "The intent was to isolate people and protect society from them. There were hopes that such actions would also result in treatment and cure. By 1960, the State of Minnesota operated 11 state hospitals. On any given day, there were approximately 16,000 people who were residents and patients in those hospitals." Walking into the massive building I was not daunted by the oppressive situation, but instead was excited and hopeful as I started my first year as a special education teacher.

### Present

Today the classroom where I was a student teacher and all those buildings that "housed" children and adults are instead home to thirty-one companies who are national and global leaders in agribusiness,

bioscience and technology. Who could have imagined that during my career we would go from putting children with disabilities into large, state institutions to our current integrated model of providing support and services to children and their families? I am in awe of the leadership that was shown during those years of change. I am also in admiration of the leadership that continues to be demonstrated by special education directors across Minnesota. As a member of MASE, I have had the opportunity to meet a number of you, and I am constantly amazed by your knowledge, passion, and commitment to the work you do in special education. Working with my colleagues at the SWWC Service Cooperative and connecting with special education leaders across the state through MASE keeps me excited and hopeful.



**Diane McCarron**  
MASE President  
Director of Special Education  
SWWC Service Cooperative

### Future

I didn't think of myself as a leader. I am the oldest child in a family of 8 and "bossy" by my siblings' standards, but not a leader. So how did I get to my position today? Encouragement from others. Colleagues and administrators who surrounded me pushed me to continually increase my leadership skills. I know their encouragement made a difference in my life. Consequently, I believe when we see individuals with leadership potential we need to encourage them to join this profession and inspire them to lead. As keynote speaker and author Jon Gordon says, "Leadership is not just about what you do but what you can inspire, encourage and empower others to do." The future of our profession will be determined by the leaders we

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## Special thanks to our 2017-18 MASE Business Partners!

The MASE Business Partnerships 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.

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University of St. Thomas, Dept. of Special & Gifted Education

## Welcome Back to the Start of the 2017 School Year!

Yes, I know that most of you work year around, but it's hard not to think in terms of a start of a new year with all the advertisements for school supplies, clothes and fried food on a stick opportunities at the MN State Fair. Please do note that I prefer to call them "food opportunities" versus "opportunities to over indulge in a calorie bacchanal". I'll share with you some of the things going on this summer and a few insights into future "healthy" opportunities.

- President-elect Laura Pingry-Kile and I traveled to Washington D.C. to meet with representatives from CASE and CEC who worked with us on our messaging to our congressmen and their staff. Unfortunately, Jill Skarvold was unable to attend this year and was sorely missed. The conference sponsored by CEC and CASE was, in my opinion, the most focused and intentional we have ever experienced. Quite honestly, the timing could not have been more fortuitous. The repeal and replacement of the ACA was being legislated and voted upon while we were meeting with our legislators. Messaging and materials provided by CEC/CASE were timely and tightly aligned with our state organization's positions. We were able to schedule meetings or drop-ins with every one of our congressman and senators or more typically their staff. Our reception was mixed ranging from a 45 minute face to face conversation with Representative Nolan and his education policy staffer to handing materials to a staffer who would, we hope, review or pass on to the appropriate staffer. Congressman Walz also made time to visit with us and to introduce his new education policy staffer. Our conversations focused on the critical importance of the expanded Medicaid funds to school districts provided by the ACA. We also discussed the challenge to find qualified staff to address the needs of our students. Specific to that conversation was a request that something be done to address the significant financial burden associated with acquiring special education teacher licensure. We were pleased to hear from a number of legislators from both sides of the aisle of their willingness to support or consider supporting new legislation in the House of Representatives that would phase in full funding of IDEA. Speaking of IDEA and a timeline for reauthorization, there is not much to say as it is far more likely that ESSA will be the focus for sometime to come.
- We saw the new ABS licensure finalized, including the administrative law review and the final publishing of the changed rule. As a quick reminder, the

rule change removes the requirement that an ABS license holder complete graduate work in one of the anchor areas within 5 years in order to maintain their teaching license. It does not create a true cross-categorical license. My request to MDE Special education Compliance and Assistance for additional guidance on this change was well-received. We have also scheduled further conversations with members regarding how we move forward to help ensure that there are appropriately licensed and trained staff to serve our students in federal settings 3 and 4.



**John Klaber**  
MASE Executive Director

- I took the opportunity to visit with Robyn Widley and Eric Kloos about the directions that we were interested in pursuing, especially as it relates to the anchor license. I also shared that our members would appreciate added guidance and support with dealing with students with increasingly more challenging behaviors. We also discussed opportunities for further collaboration.
- Todd Travis, Marcy Doud and I have joined with representative from the school business directors organization (MASBO) seeking changes to the new special education funding structure. In so doing we were part of a group that recently met with representatives from MDE, including Tom Melcher, Paul Ferrin and Kate Lynne Snyder. Our message was that the new system appeared to be creating clear winners and losers and that the cap has proven to be very challenging for a number of school districts. The most common situations included small districts experiencing the unanticipated enrollment of high needs (high cost) special education students and other districts experiencing general enrollment declines coupled with special education enrollment increases. In the past, proration was not desirable, but the system shared the pain across all the school districts. Under the current model, luck of the draw might dictate whether a district goes into SOD. We will continue to meet with this group and determine what action, including legislative, that we might take in the future. I encourage you to share your experiences (both good and bad) with me and visit

***Executive Notes continued on page 8.***

## MASE IMPACT

Fall 2017

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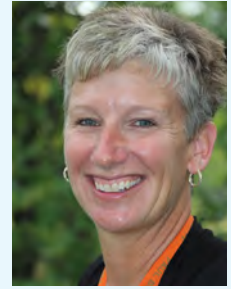
**Marcy Doud (2013-18)**

Director of Special Programs, West. St. Paul-Mendota Heights-Eagan Area Schools

Executive Director

**John Klaber**

## Heidi Hahn Appointed to State Education Board



Heidi Hahn, Director of Special Education, Paul Bunyan Education Cooperative, was one of the 11 appointments to the Professional Educator Licensing and Standards Board made by Governor Mark Dayton.

The state is trying to streamline the licensing process, Hahn said, and she wants to help create a more seamless system. There are extra tests and certifications for special education teachers, she said, and she wants to make the certification system easier for them to navigate. She wants to work to remove barriers to certification for qualified teachers from other states coming to Minnesota.

***Congratulations, Heidi!***

### ***Excited and Hopeful from page 1.***

identify, encourage, and develop.

The MASE organization provides us all opportunities to increase our leadership skills. I encourage you to get involved and take advantage of all that involvement can do for you. The MASE professional development activities and MASE committee structure give you as members a way to get involved and increase your leadership skills.

Members of the MASE board met in June and identified the following goals and objectives for the upcoming year:

1. Development of a teacher shortage/credentialing work group.
2. Continued work related to paperwork reduction.
3. Continuing to stay abreast of state and federal funding to protect/maximize revenue on behalf of students.

Thirty-nine years ago I began my career as a special education teacher. I was excited to take on my new role and filled with hope. Today so very much has changed and I remain equally excited and hopeful.

*"Isn't it funny how day by day nothing changes, but when you look back, everything is different?" C.S. Lewis ●*

1. <https://mn.gov/mnnddc/learning/document/IGT033.PDF>

**IMPACT** is your newsletter and we encourage your input!  
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(651) 789-4061 or send an email to dchristians@mnasa.org.



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# FALL CONFERENCE

## preview



### 2017 MASE Fall Leadership Conference

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Registration information available  
at [www.mnase.org](http://www.mnase.org)

*Education leadership is all about a vision for the future and doing what we can to build systems supporting that vision. How can we be anything but optimistic about the outcomes we imagine? Easy! The stresses of daily practice, the setbacks that frustrate, the excuses, the challenges, the disappointments ... there are a lot of factors that seem to stand between us and our optimism. Sometimes we even question the possibility of a bright future, as though our optimism is a result of our naiveté or our refusal to accept "the reality of the situation." But here is the good news. Research has shown that optimism is instrumental in creating highly functional human systems, and it can be intentional, learned, and practiced. Your own mindfulness can support your own health, and help you bring out the best in the people you lead. Optimistic leaders communicate a vision that their teams see as inevitable. Join your MASE colleagues this fall and explore mindful optimism and how it helps us become better leaders.*

#### Conference Highlights

Our Wednesday evening keynote features a theatrical presentation from **Breaking Barriers with Toolbox Theatre LLC** about **defeating the odds, based on the life of Nikki Abramson**.

After the keynote speaker join us for the Wine Tasting event benefiting the Stenswick Benson Scholarship Fund.

Thursday morning's keynote speaker, **Dr. Karen Reivich**, Director of Resilience and Positive Psychology Training Programs at the Positive Psychology Center (PPC) will delve into the topic of positive psychology and how the PPC addresses its mission.

On Friday morning, **Scott Lesnick** will tell his story of how he amazingly devised a daring plan to reunite with his two small children who were kidnapped to the Middle East in his presentation, **"Kidjacked – A Father's Story of Optimism and Resilience."**

On Thursday morning and afternoon, individualize your professional learning by attending a variety of **breakout sessions**. Don't forget to check out the items up for bid in the Thursday's **Silent Auction and Live Auction!**

Join your colleagues for the MASE Annual Meeting, a chance to get updated on association activities and hear from State Special Education Director Robyn Widley. One lucky participant's district will win an Amazon Echo, a hands-free speaker you control with your voice. Echo connects to the Alexa Voice Service to play music, provide information, news, sports scores, weather, and more—instantly.

Thursday's Exhibit Fair features a number of MASE's colleagues in business, offering the latest in products and services of interest to special education leaders.

Be sure to join us Thursday evening for the **Pumpkin Patch Bash** featuring music from The District, classic rock and roll band playing everything from the Stones to Black Eyed Peas - and every artist in this band is a Brainerd educator!



Each year at our fall conference, we hold several fundraising events to benefit leadership development in special education. This year, we again dedicate our efforts to support the Stenswick Benson Scholarship Fund.

Our theme for the Wine Tasting this year is "Live from MASE, it's Saturday Night Live!" Channel your SNL favorites, whether Bobby Moynihan, Seth Meyers, or Tina Fey ... or something more "classic" from the time before Al Franken was a senator (coneheads, anyone?) and get ready to sample your favorite beverages, all to support the Stenswick Benson Scholarship Fund. Our MASE Areas will once again sponsor tables and our theme this year invites the regions to show off their best odes to SNL through their table themes. Everyone votes for their favorite table, and the beautiful (oo-ahhhh) MASE traveling trophy is at stake!

*Area D won the coveted MASE traveling trophy for the best area wine table of the 2016 conference!*



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### **Executive Notes from 3.**

with your business director about this initiative.

- Laura Pingry-Kile and I recently met with staff from what will be the new Board of Teaching and Licensure Division. We provided them MASE's perspective on proposed changes to teacher licensure, including the tiered system and alternative pathways to teacher licensure. To say that we are living in exciting times is truly an understatement. There is great potential for positive changes to the route to teacher licensure, both in increasing the number of qualified staff and reducing the cost of special education licensure.
- Our new treasurer, Linda Gardner will be scheduling meetings of our Business Partnership committee. We expect that regional groups will welcome Tier 3 Partners as they reach out to our members. You might also consider following the lead of some regions who have chosen to limit business presentations to only Tier 3 Partners.

This is also the perfect time to visit with current and future legislators, including potential governors, about the challenges and rewards of delivering special education services to students and their families. With no elections imminent they may be more receptive to these conversations. Please share with them that in order to attract the best and the brightest to the profession, the work must be engaging and financially rewarding. A very recent Minneapolis Tribune article set Minnesota private

college yearly expenses at the \$50,000 to \$60,000+ range. The resulting college debt may effectively price any number of future teachers out of the profession. We also know that our special education staff members who experience working in the most efficient manner possible may also choose to remain in the profession longer. Finally, if our special education staff members believe that their work is engaging and rewarding, they may choose to remain in the profession.

I look forward to a positive year with the leadership of our executive committee:

***Diane McCarron, President***

***Erin Toninato, Secretary***

***Linda Gardner, Treasurer***

***Mary Clarkson, Past President***

***Laura Pingry-Kile, President-Elect***

Finally, our work does not get done without the efforts of the remarkable staff at the MASA/MASE offices:

Mia Urick, Director of Professional Learning

Dave Christians, Associate for Leadership Support & Communications

Stephanie Kastanos, Associate for Accounting and Events

Jeanna Vohnoutka, Associate for Leadership Support, Web Site Publisher and Jobsite

Deb Larson, Associate Membership and Data Management ●



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# LEGISLATIVE *update*

It's been a quiet summer, but school is back in session and along with it comes new challenges. Nowhere is this more apparent than in the field of special education, where improved diagnostic tools and more refined learning strategies combine to bring more students with narrowly defined barriers to learning into special education classrooms. Special educators are up to these challenges and some of the changes made during the 2017 legislative session should be helpful in meeting the needs of the ever-increasing diversity of student needs in Minnesota's school districts and charter schools.

Of course, the passage of the language making the Academic and Behavioral Strategist (ABS) license a stand-alone license that does not have to be augmented with advanced coursework in a single disability category to remain valid should prove helpful to districts throughout the state as they attempt to fill up special education teaching slots, both in the short and long terms. One of the concerns expressed by some is that with the ABS license becoming a stand-alone license, the shortage in special education teaching staff will simply move "up the line" to levels that require a license in a specific disability category. Never fear, MASE is on the case (not CASE)!

Representative Dean Urdahl has worked for years to establish a tax credit for teachers who take Master's level coursework in their subject area. MASE has approached Representative Urdahl about the possibility of making special education teachers who seek to obtain an advanced license beyond the ABS to provide service to students in more complex settings eligible for this one-time tax credit. There is no question that special education will be a teaching area where variances and other accommodations for potential instructors will take place with greater frequency than in other parts of the public school enterprise, but the changes to the ABS license along with incentives for teachers to move to higher service settings would likely help mitigate the special education teacher shortage to some extent.

MASE's legislative committee will be beginning its work over the next few months. With the legislature slated to convene the 2018 legislative session in late February, there will be a bit more time to put together the legislative platform. It is not a funding year, but there will be a number of policy initiatives discussed in the education committees and MASE needs to be ready to provide input when asked. In the meantime, I urge all MASE members to introduce themselves to their local legislators and develop a relationship as a "go-to" person

for them on special education matters. Most legislators are looking for solid information and given the complexity of special education in terms of funding and program, they will likely welcome input they receive from special education practitioners. Often times, a visit by a legislator to a special education classroom can provide them with the context they need to understand the challenges faced by special educators on a daily basis.



**Brad Lundell**  
MASE Lobbyist

Before signing off, I wanted to share an experience I had on my trip to Norway this summer. While riding with my wife on the train from Oslo to Bergen, we struck up a conversation with a woman and her granddaughter who were also visiting Norway. The woman turned out to be Dr. Judy Rubin, also known as "Judy the Art Lady" from her time on Mister Rogers Neighborhood in 1960s. Dr. Rubin is a pioneer in the field of art therapy and I want to provide you with a link to her company's (Expressive Media) website. That conversation was one of the highlights of my summer as she shared her experience working with students and adults breaking through their learning and emotional barriers. She is truly an inspiration. Dr. Rubin's website is: [www.expressivemedia.org](http://www.expressivemedia.org).

As usual, I love hearing from all of you and love to take field trips when the Legislature is not in session. If you'd like me to come out your way this fall, don't hesitate to ask me. And feel free to share your comments with me. I can be reached at 612-220-7459 or at either [brad.lundell@schoolsforequity.org](mailto:brad.lundell@schoolsforequity.org) or [lundelllegislative31@gmail.com](mailto:lundelllegislative31@gmail.com). I look forward to another year working with the MASE membership. ●

## **MASE Legislative Resources**

**Be sure to watch your email inboxes and check out [www.mnase.org/legislative](http://www.mnase.org/legislative) to stay up-to-date on the 2018 Minnesota Legislative Session!**

*If you are not receiving the session updates please contact [members@mnase.org](mailto:members@mnase.org)*

**[www.mnase.org/legislative](http://www.mnase.org/legislative) has all of MASE's legislative resources including:**

**MASE Legislative Platform**

**Directories for the MN House and Senate**

**ESEA Flexibility Process**

# 2017-18 *board of directors*

## Meet your 2017-18 MASE Board of Directors!

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#### **Area A (Region 8)**

Even Year Election (17-18)

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#### **Area B (Region 7)**

Odd Year Election (17-19)

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Even Year Election (16-18)

#### **Shannon Erickson**

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Odd Year Election (17-19)

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#### **Area E (Region 3)**

Even Year Election (16-18)

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#### **Area F-1 (Region 2)**

Odd Year Election (17-19)

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Even Year Election (16-18)

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Odd Year Election (17-19)

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#### **Area H (Region 9W)**

Even Year Election (16-18)

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### **Retiree Representative**

Odd Year Election (17-19)

#### **Nan Records**

Regional Low Incidence Facilitator  
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nan.records@njpacoop.org

### **Other Representatives:**

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Odd Year Election (13-19)

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Even Year Election (16-18)

#### **Jill Skarvold**

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MASA Component Group  
Representatives:

### **MASA Component Group**

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### **17-18 Committee Chairs:**

Committee chairs are not voting  
members of the board but are  
invited to attend and participate in  
board meetings.

These appointments are made on  
an annual basis.

### **Nominations:**

#### **Todd Travis**

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### **Legislative Co-Chairs:**

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Chairs:

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#### **Holle Spessard**

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## Keith Erickson Receives MASE Legacy Award

**K**eith Erickson, Retired Director of Special Services for the Albert Lea Area School District, has been awarded the Legacy Award by the Minnesota Administrators for Special Education (MASE). Mr. Erickson will be honored for his commitment to encouraging, developing, and mentoring leaders who reflect the MASE mission at a statewide recognition ceremony to be held at the 2017 MASE Fall Leadership Conference, October 25-27 at Cragun's Conference Center in Brainerd.

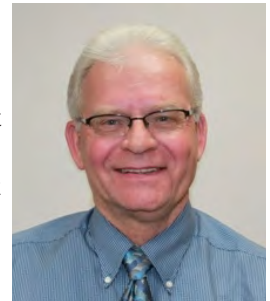
Mr. Erickson served as a Special Education Administrator for a total of 40 years, with 30 of those years serving as a Director of Special Education in the State of Minnesota. The first seven of these years in Minnesota were in the Area Special Education Cooperative (ASEC) in northwestern Minnesota, where he supervised comprehensive special services for 22 school districts across five counties. He spent the next 23 years as the Director of Special Services for the Albert Lea Area School District #241. Collaboration has always been a cornerstone throughout Keith's administrative career.

Mr. Erickson has been a mentor to many emerging school leaders. When asked what he is most proud of, he mentions the number of staff that he has hired and worked with throughout the years who are now in special education administration.

"I met Keith early in my career as Director for Zumbro Education District," says Carol Anhalt, Executive Director of the Zumbro Education District. "He willingly shared his expertise and strategies with me on how to effectively work with several districts, how to encourage collaboration, and how to keep multiple independent school districts moving in the same direction. It was valuable advice for a new director."

In his professional practice, Mr. Erickson truly believed in the power of building and maintaining relationships with other Directors and staff. He valued the collaborative efforts made by peers to be both fiscally and programmatically efficient through sharing services and staffing. His ability to be collaborative was appreciated by all of his fellow Directors and the districts with whom he worked. Keith valued the input of family members in the special education process. He not only had high expectations for their input but also modeled it.

"Our field is full of generous, hard-working, loving people," states Darren Kermes, Superintendent of the SouthWest Metro Intermediate District 288. "But even in that group of servant leaders, Keith stands out. His wisdom guided me through more than one challenging situation. His knowledge, class, and style helped in others. But it may be his humor and kind spirit that guided me through more challenges than he will ever know."



**Keith Erickson**

Retired Director of Special Services  
Albert Lea Area School District

Mr. Erickson has served in a number of MASE leadership roles, including serving on the MASE Board, President Elect, President, and Past President. Even in retirement, he continues to be active in MASE. He currently supports MASE efforts by participating in scholarship fundraising activities, writing newsletter articles, and attending conferences. He continues to have a lasting positive influence with his colleagues, staff, and students.

The MASE Nominating Committee selects the Legacy Award recipient based on a review of biographical information provided in the nomination materials. The recipient must be a current active MASE member who has contributed to the professional growth and development of others through a service history as a long-standing, contributing MASE member. The recipient must demonstrate a commitment to the field of special education through training, mentoring, personal support, modeling, and demonstrating an impact that is considerable and measurable over time; and contribution at the local, regional, and state levels. ●



# RETIREE *perspectives*

## Transitioning to Retirement

I've been invited to share my perspective as a retiree. I retired seven years ago from the Edina Public Schools and consider my transition a successful one. I am sharing what I have done to help make my transition to retirement successful.

**Early in my career**, when I was 27 years old I began saving in a retirement account. The money was deposited directly into my IRA (I think it was called this way back then). The money was deposited tax-free, with the intension of withdrawing it after retirement when my income was less, and tax rate might be lower. The point is that mine was invested and accruing value for 35 years. If you are fortunate, your district may match this amount up to a set ceiling.

**Mid-career**, in the mid-1990's, I began investing into my Health Savings Account. It too goes into the account tax-free and when you use it you do not pay any taxes on it. You may use this anytime in your career or retirement for medical or dental costs, at your discretion.

Trust me, after retirement you will make good use of this money. Some say "the reason for retirement is so you have time to go to the doctor." Not an amusing thought, but very true once you get to a certain age. There are many costs for health care that are not covered by Medicare plus a supplemental plan. (Don't get me started...)

**Changing jobs mid career**, I made choices carefully. I worked in Wisconsin the first three years of my career, then moved to Minnesota until I retired. I changed school districts five times, with promotions and consulting positions thrown in the mix. If you are going to another state, or have just moved into MN, it is important to understand how this might affect your TRA (Teachers' Retirement Account) benefits. Learn from my mistake: when my husband and I bought our first house I cashed in my WI Teacher's Retirement account from the past three years. If memory serves, it was about \$2500, which seemed like a fortune then. If I had left it in the account until I retired thirty-eight years later, I would have had a nice extra pot of money as retirement income.

I retired with "full" benefits when "my age plus my years of service in Minnesota" added up to at least 90. This is called "The Rule of 90." Experienced staff knows this of course, but if you are new to MN teaching you should learn about it. It just may be the extra incentive you need to stay in MN your entire career.

If you are changing school districts or into a job that has a different district contract, be sure you read the retirement benefits section carefully. Think long term.

### Approaching retirement age,

I attended a pre-retirement workshop offered by Minnesota TRA four years before my retirement. I gained valuable information that helped with some decisions I needed to make prior to retiring. I made an appointment two years prior to my retirement date with a TRA counselor. I was able to consider the different options available for distribution of my retirement income. For example, did I want my husband to receive my full benefits if he outlives me; did I want to receive higher benefits prior to collection of my Social Security benefits? I also consulted our financial planner who helped me look at all of my assets and expenditures, charting out a few years. This was very helpful in making TRA decisions.

One year before my retirement date, I made an appointment at TRA and with my school district's Human Resources Department to discuss steps and paperwork required. Be absolutely sure you have met the Rule of 90 based upon your earliest date of MN teaching. Be careful in your calculations.

### Transitioning to Retirement

What's the big deal? This is the fun part, right? You retire, you relax, you travel, you leisurely drink coffee and read the newspaper in the morning, right? Not necessarily.

It's common to have feelings of anxiety about how you will spend your time, share space and time (lots of it) with your significant other, and feel productive. I had visions of traveling, reading novels, cooking nice meals, taking the time to exercise, taking up painting, spending more time with my family and friends.

I retired from a Special Education administration job (probably not unlike your job) that was flooded with meetings and deadlines. I had gotten used to the flurry of moving around during the day, going from school to school, meeting to meeting. When I retired, I was really tired. Okay, how did I combat the urge to take it



Darlene L. Bell, PhD  
Dar Bell Consulting, LLC

*Transitioning to Retirement continued on page 15.*

## Back-to-School Special Education Law Update

Welcome to the start of a new school year. This new school year brings with it several important changes to the laws impacting how your school provides special education services.

### Changes in ABS Licensure Requirements

In late May, the Governor signed a bill requiring the Board of Teaching to amend its rules governing the Academic and Behavioral Strategist ("ABS") license to allow continuing ABS licenses to be issued and renewed without requiring the candidate to obtain a license in an additional licensure field. 2017 Minn. Laws 1st Spec. Sess. Ch. 5, Art. 3, § 32. The Board of Teaching complied and, on July 13, 2017, the Office of Administrative Hearings approved the Board of Teaching's revised rule. Minn. R. 8710.5050, subp. 4.

Before this rule change, special education teachers were required to obtain and renew a continuing ABS license *and*, within five years, obtain an additional "anchor license" in autism spectrum disorders, developmental disabilities, emotional or behavioral disorders, or learning disorders. Under the new rule, there is no requirement to obtain an additional "anchor license" before renewing an ABS license. In effect, this change removes the added financial and time burdens that special education teachers previously faced.

### Increasing Obligations to Private School Students: *Minneapolis Public Schools v. R.M.M.*

The Eighth Circuit Court of Appeals recently ruled that Minnesota law grants students attending a nonpublic school both the right to a Free Appropriate Public Education ("FAPE") and the right to a due process hearing to challenge the school district's provision of a FAPE. *Special Sch. Dist. No. 1, Minneapolis Pub. Sch. v. R.M.M. by & through O.M.*, 861 F.3d 769 (8th Cir. 2017). While the IDEA does not require school districts to provide resident students enrolled in nonpublic schools with a FAPE, it does permit states to provide greater rights to disabled students. The *R.M.M.* court held that Minnesota law does just that and provides nonpublic school students with a right to a FAPE. Because Minnesota law provides nonpublic students with the right to a FAPE, the court concluded, those students and their families have the IDEA right to initiate a due process hearing to challenge the provision of a FAPE.

The *R.M.M.* court's analysis focused on the shared-time law, Minnesota Statutes, section 125A.18. Applying that law, the court concluded that the requirement to provide nonpublic school students a FAPE "does not

require public school districts to constantly monitor the education offered at private schools. Instead, the district must provide the appropriate services for part of the regular school day while the student attends the private school for the rest of the day."

While this case involved a challenge to the services provided to a shared-time student, the *R.M.M.* decision places a greater significance on school districts' efforts to identify and evaluate nonpublic school resident students for special education services. In light of the increased risk of a potentially time consuming and expensive due process hearing, it is more important than ever for school districts to examine their child find, evaluation, and special education services provided to resident students who attend a nonpublic school.



**Christian R. Shafer**  
Attorney  
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**Elizabeth M. Meske**  
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When considering its child find responsibilities and its obligations to identify any student identified as potentially having a disability, including nonpublic school students, for special education services, school districts should remember the standards identified by the Minnesota federal district court. Specifically, the district should not require the parents to provide a medical diagnosis before evaluating or finding a student eligible providing services. *I.S.D. No. 413 v. H.M.J. ex rel. A.J.*, 123 F.Supp.3d 1100 (D. Minn. 2015); see also *M.J.C. ex rel. Martin v. Spec. Sch. Dist. No. 1*, 2012 WL 1538339 (D. Minn. 2012). Rather, a school district should conduct an evaluation, including—potentially—a medical evaluation to obtain any necessary diagnosis for eligibility in the OHD category, when it knows a student is struggling in school and is seeing a medical professional for a potentially IDEA eligible condition.

### A New Standard for FAPE: How Are the Courts Applying *Endrew*?

Last spring, the United States Supreme Court identified a new standard for FAPE. In *Endrew F. ex rel. Joseph F.*

**Legal Issues continued on page 16.**

# RESEARCH TO *practice*

## Evidence-Based Interventions and Practices: Improving Implementation and Supporting Schools

For the past decade, there has been a great deal of emphasis on implementing interventions and instructional practices grounded in research to improve student outcomes. In fact, “scientific research-based interventions” (SRBI) interventions became codified into law in the case of the Individuals with Disabilities Education Act of 2004 and the No Child Left Behind Act (NCLB) of 2001. With NCLB being reauthorized as Every Student Succeeds Act (ESSA), the term SRBI has been replaced by “evidence-based interventions” (EBI). This shift was made to help increase the impact of educational investments by ensuring that interventions have been proven to be effective in leading to the desired outcomes.

So, what does the term EBI mean? In a nutshell, evidence-based intervention are programs or practices that have evidence to show that they are effective at producing results and improving outcomes when implemented. Under ESSA there are four tiers of evidence:

- Tier 1 – Strong Evidence: Practices supported by one or more well designed and well-implemented randomized control experimental studies.
- Tier 2 – Moderate Evidence: Practices supported by one or more well designed and well-implemented quasi-experimental studies.
- Tier 3 – Promising Practice: Practices supported by one or more well-designed and well-implemented correlational studies with statistical controls for selection bias.
- Tier 4 – Demonstrating a Rational: Practices that have a well-defined logic model, are supported by research, and some effort underway by an SEA, LEA, or outside research organization to determine their effectiveness.

While selecting an EBI is an important first step, it is critical to evaluate implementation in your setting and context. Good strategies validated by research often fail at the local level for many reasons including:

- Diverse populations: Many educational research studies are based on relatively homogeneous samples making it difficult to generalize to diverse classrooms and schools.
- Resources: EBI's with strong research support may require resources that would be difficult for a classroom teacher or a building to obtain

- Match to school culture: Schools need to determine the fit between their school culture and the EBI to see if the theoretical orientation, teacher preparedness, and openness to change of the EBI match with their culture.
- Sustainability: Implementing an EBI is only effective if the practice is sustained over time. Sustainability requires a focus on fidelity of implementation, coaching and support, and leadership. Effective intervention practices or models coupled with ineffective or inefficient implementation will result in ineffective, unsustainable program and outcomes!



**Kim Gibbons**  
Associate Director  
Center for Applied Research  
and Educational Improvement

CAREI understands that many districts do not have the internal capacity to evaluate the both the impact and the implementation of EBI's. CAREI continues to provide support to Minnesota School Districts in their implementation and evaluation efforts through membership in the CAREI District Assembly. Last year, 51 school districts joined the assembly. This year, we hope to double that number! We have three membership options available to better meet your needs and have added a variety of services to assist you in your quest to improve outcomes. For more information on CAREI or joining the CAREI District Assembly, please visit our website at [www.cehd.umn.edu/carei/](http://www.cehd.umn.edu/carei/) or contact me at [kgibbons@umn.edu](mailto:kgibbons@umn.edu) ●



### *Transitioning to Retirement from page 12.*

easy, lounging around until I felt like getting dressed and actually doing something with my day? I know this may sound rather obsessive of me, but the first six months of retirement I followed a general daily schedule that helped me a great deal. I highly recommend to retirees that they give this strategy a try.

I put my new schedule on a small white board in dry erase ink (so I could modify it as I needed) It looked something like this:

- Breakfast
- Reading (this could be anything: a book, computer, newspaper: whatever I chose that day.
- Exercise (I did this in the morning, so I was more likely to fit it into my day)
- Play (golf, tennis, cards, painting, etc)
- Lunch (I made sure I ate with friends or retired colleagues once a week or so) Amazingly, I ate more healthy meals after retirement and took the proper time to eat!
- Rest (this might mean more reading, meditation, or a nap
- Work (paying bills, making dinner, chipping away at a big project, volunteering, doing chores, etc.)
- Socialize
- Dinner with family or friends.
- Evening (Play it by ear)

Lastly, let me share some **random thoughts** based on my retirement years:

- What I didn't realize first and foremost was how the absence of stress would feel. Sure, we have lots of bad stress in our work lives (for me I think the worst stress came from dealing with disappointed parents); but there is also the good kind of stress on the job, such as the joy of working with staff

and observing students learning something new. When I retired, the complete loss of all that stress was overwhelming. I spent weeks dealing with exhaustion. This is a typical phenomenon based upon conversations I have had with other retired friends. So my advice is not to be concerned if you need many hours of sleep or naps during the day. Your body is telling you what you need.

- Recognize that changing your work status means invading your partner's space and schedule and routine, especially if they have retired before you. I asked my husband about how he felt when I retired. He said what was difficult was that his routine and "chores" changed, particularly cooking dinner which I stepped in and took over after I retired...AND... he ended up with some chores he didn't necessarily enjoy! It would be better to have a conversation at the time. I'm just saying...
- Exercising and eating better has enhanced my physical and mental well being.
- Staying in touch with colleagues has allowed me to continue talking about current education issues and has nurtured friendships.
- I was not prepared to experience complete anonymity in non-education settings. I was no longer a supervisor; an expert to whom others turned. Frankly, I felt less important in the scheme of things, since my work life contributed to the lives of children for so many years. I countered this by consulting in public schools these past seven years, where I could put my experience and education back to work.

Finally, I want to acknowledge that each year as workshop days and first day of school pass by, I still wonder how staff and students are doing. As much as I am enjoying my retired life, I will continue to miss the excitement of starting a new school year. ●

*Save the Date!*



**MASE**  
Best Practices  
May 9-11, 2018  
Madden's Resort, Brainerd

### 2017 CASE/NASDSE Conference

November 2-4, 2017

The Nugget - Reno, NV

Registration information at [www.casecec.org/](http://www.casecec.org/)

#### CLIMBING TO NEW HEIGHTS

*CASE Annual Conference 2017*

November 2-4, 2017 • The Nugget • Reno, Nevada

Visit [www.casecec.org](http://www.casecec.org) for conference details.

### Legal Issues from page 13.

*v. Douglas County Sch. Dist. RE-I*, 137 S. Ct. 988 (2017), the Court held that, to meet its substantive obligation under the IDEA, a school must offer an Individualized Education Program (“IEP”) *reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances*. In doing so, the Court rejected the “merely more than *de minimis*,” or minimal, standard that the school district argued was the measure of FAPE. Instead, the Court ruled that the educational program “must be appropriately ambitious” in light of the student’s circumstances and should provide the student “challenging objectives.”

The *Endrew* court explicitly stated that this standard is a “general standard” and “not a formula.” The Court held that it would “not attempt to elaborate on what ‘appropriate’ progress will look like from case to case.” Instead, the Court reaffirmed that the “adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.”

It will undoubtedly take time to understand the full implications of this decision. Courts, however, have already been faced with applying this new standard. A review of some of the recent case law sheds some light on how the *Endrew* standard is being applied.

The Eighth Circuit Court of Appeals held, in *I.Z.M. v. Rosemount-Apple Valley-Eagan Pub. Sch.*, 863 F.3d 966, 969 (8th Cir. 2017), that the plain language of Minnesota Statutes, section 125A.06(d) “does not impose a heightened standard that burdens school districts with an absolute obligation to *guarantee* that each blind student will use the Braille instruction provided to attain a specific level of proficiency.” The court held that, “[r]ather, the obligation enforceable under the IDEA is to provide, if the IEP so requires, instruction that is ‘sufficient to enable’ the child to attain the specified level of proficiency.” The court concluded that this standard is consistent with the standard recently set forth in *Endrew* and noted that the new *Endrew* standard is consistent with interpreting the applicable regulation as requiring “all reasonable steps” and not perfect results or any particular educational outcome.

In *Dallas Indep. Sch. Dist. v. Woody*, 865 F.3d 303 (5th Cir. 2017), the Fifth Circuit Court of Appeals found that a school district did not meet the standard set forth in *Endrew* where the school district failed to provide an IEP in a timely manner. The court held that the failure to finalize an initial IEP in a timely manner constituted a procedural violation of the IDEA. Applying the *Endrew* decision, the court further determined that the school district’s failure also constituted a substantive IDEA violation. It based this conclusion on the fact that the IEP would have gone into place approximately one

week before graduation—the student had completed necessary coursework to graduate—and would have required the student to transfer from a private school to a public school for her final week. Given the timing of the student’s upcoming graduation, the court stated that, “[b]y then, any educational program could only be calculated to allow minimal progress.”

Other courts are side-stepping the issue altogether. For example, the Fourth Circuit Court of Appeals recently demonstrated its reluctance to grapple with how *Endrew* should be applied. Specifically, in *M.L. by Leiman v. Smith*, 2017 WL 3471257 (4th Cir. Aug. 14, 2017), the court stated, “For purposes of the case at bar...we need not delve into how *Endrew F.* affects our precedent because the IDEA does not provide the remedy the Plaintiffs want, regardless of the standard applied.”

While it is always difficult to predict how a court will apply legal precedent, the impact of the *Endrew* ruling will become more apparent as courts are required to rule on whether a school has provided FAPE. As this is an emerging area of law, and one with potentially costly consequences, schools should keep a close eye on developments pertaining to the application of the *Endrew* standard. ●

## 2018 MASE Leadership Issues (Formerly "Rural Issues")

September 28, 2107

January 25, 2018

April 26, 2018

**Benton Stearns Education District**

**Sartell, MN**

**10 am - 2 pm**

### Agenda:

10 am - Build Agenda

10:15 am - Discussion

12 noon - Lunch

2 pm - Adjourn

Join your colleagues from across the state for good company and great discussion about current topics in special education leadership!

# MASE CALENDAR

## 2017

### September 28

#### MASE Leadership Issues

10 am-2 pm

Benton-Stearns Education District, Sartell

### October 25

#### MASE Board of Directors Meeting

#### MASE New Leaders Cohort Session 1

Cragun's Conference Center, Brainerd

### October 25-27

#### MASE Fall Leadership Conference

Cragun's Conference Center, Brainerd

### November 2-4

#### CASE Annual Conference

Reno, Nevada

### November 15|

#### MASE New Leaders Cohort Session 2

Minneapolis Marriott NW, Brooklyn Park

### December 6-7

#### MASE New Leaders Cohort Session 3

Radisson Hotel Minneapolis/St. Paul North, Roseville

### December 7

#### MASE Board of Directors Meeting

MASE Offices, St. Paul

### December 8

#### Special Education Directors' Forum

8 am-4:30 pm

Conference Center B, Rooms 15 and 16

Minnesota Department of Education, St. Paul

## 2018

### January 25

#### MASE Leadership Issues

10 am-2 pm

Benton-Stearns Education District, Sartell

### March 7

#### MASE Board of Directors Meeting

#### MASE New Leaders Cohort Session 4

Minneapolis Marriott NW, Brooklyn Park

### March 8-9

#### MASA/MASE Spring Conference

Minneapolis Marriott NW, Brooklyn Park

### April 19-22

#### CEC Convention

Boston, MA

### April 26

#### MASE Leadership Issues

10 am-2 pm

Benton-Stearns Education District, Sartell

### May 9

#### MASE New Leaders Cohort Session 5

Madden's Conference Center, Brainerd

### May 9-11

#### MASE Best Practices Conference

Madden's Conference Center, Brainerd

### June 21-22

#### MASE Board of Directors Retreat

Madden's Conference Center, Brainerd

### July 1

#### Membership Renewal

### November 8-10

#### CASE Annual Conference

Biloxi, MS