

## Together, Let's Elevate Our Profession

Recently I had the pleasure of listening to Minnesota Department of Education's newly appointed Commissioner, Mary Cathryn Ricker, at a Schools for Equity in Education (SEE) meeting. I attended the meeting along with Jamie Nord and Kim Gibbons as we presented 'Potential Solutions for Special Education in Minnesota: From Testimony to Proposed Legislation.' Our presentation focused on the critical need to strengthen MTSS in Minnesota, reduce due process paperwork requirements by examining the MDE's interpretations and aligning to federal requirements, and allow students with disabilities equal access to ADSIS programs in areas not already addressed in their IEPs. I want to acknowledge Jamie and Kim for their strong advocacy and tireless leadership efforts to educate and affect change in our profession. Even though the message and purpose of this presentation was extremely important and noteworthy, I am taking this opportunity to expand on a message Commissioner Mary Cathryn Ricker articulated/shared at the meeting.

One of Commissioner Ricker's messages especially resonated with me and I couldn't help but make

meaningful connections to MASE's mission and purpose. The Commissioner spoke about the importance of ELEVATING both the teaching profession and those who work to support our students with disabilities. She went on and shared that we need to create a "robust least restrictive environment where all our students may benefit" and that she cannot "picture an educational problem that cannot be solved given the talent and expertise in Minnesota". She reminded attendees that everyone in the educational community contributes to the progress and success of students and in order to best support our learner needs, everyone needs to be on the same page.



**Laura Pingry-Kile**  
MASE President  
Director of Special Services  
Eastern Carver County Schools

Elevating our profession is what MASE is all about! MASE's mission is to build strong leaders who work on behalf of students with disabilities. Further, our purpose is to foster high quality programs of professional development for members, to make studies of selected programs that relate to services to children with disabilities, improve the leadership of administrators for special education, and to be active in the legislative process.

We elevate our profession by addressing teacher shortage problems and recruiting individuals with a passion to support students with disabilities. While this is an ongoing area of focus in our strategic plan, members are sharing effective practices and ideas of creating grow-your-own programs to attract additional teachers. I have witnessed new and creative ways to attract students in high school to choose special

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## Special thanks to our 2018-19 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.

### **Tier 3**

Edgenuity, Inc.  
Grand Canyon University  
Kennedy & Graven, Chartered  
Kraus-Anderson Construction Company  
Strategic Staffing Solutions

### **Tier 2**

Indigo Education  
Knutson, Flynn & Deans, P.A.  
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Rupp, Anderson, Squires & Waldspurger, P.A.  
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### **Tier 1**

CAREI  
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Public Consulting Group  
Speech Partners  
Transition Assessments and Curriculum  
TSP Architects & Engineers  
UCP/Infinitec  
University of St. Thomas, Department of Special & Gifted Education

## The "Maybes" of Special Education

There has been a great deal of conversation in the media about special education. Some of the conversation has been about cross-subsidy, some about staffing challenges, some about paperwork, and some about dyslexia. In fact, in January I had the opportunity to be interviewed on WCCO Radio about special education. Quite honestly, the first question surprised me. It was why there seemed to be an increasing number of students in need of special education support. I really wanted to focus on the costs associated with paperwork demands, staffing challenges, etc. I did get around to our legislative talking points, but the question has caused me to reflect a bit. So, what is contributing to the increasing numbers of students in need of special education support? Is the answer...Maybe?

Are we doing a better job screening and identifying students for services?...Maybe.

Are our regular education teachers better at monitoring student progress?...Maybe.

Are our school-age pre-referral systems more highly resolving and, as such, we are able to intervene earlier and more appropriately?...Maybe.

Are students presenting with more challenging social issues, including poverty?...Maybe.

Are students experiencing greater emotional trauma in their lives?...Maybe.

Are students less resilient?...Maybe.

Are the growing class sizes making it more challenging for teachers to address the needs of their students?...Maybe.

This was a "maybe" that I thought was really brilliant. I then visited with a special education director sharing this amazing hypothesis. She pointed out that as part of her doctoral dissertation she took a look at class-size and referral trends. There did not appear to be any statistical correlation. In fact, one could make the case that regardless the size of the class, a teacher would typically refer the bottom 2 or 3 performing students. So, if you had two sections of first grade there would be 4 to 6 students referred. If there were smaller classes allowing three sections in first grade, 6 to 9 students would be referred. One might make the case that referrals for special education could increase with reduced class size...bummer.

Are school districts reducing their regular education

supports for struggling students?...Maybe.

There certainly has been far less conversation about implementing ADSIS due to cross subsidy and special education funding cap concerns.

Are special education teachers spending less time each day on designing and delivering interventions versus completing paperwork?...Maybe.

Are parents more aware of the supports, including special education, available to their children?...Maybe.

Are school districts liberalizing access to special education services to avoid being sued?...Maybe.

Are school districts doing a better job of identifying infants and preschoolers struggling to learn and to be socially and behaviorally appropriate?...Maybe.

Are a greater number of our students being identified under ASD?...Maybe.

While one or more of these explanations may explain much of what is happening with the growing special education population, I have concluded that "maybe" may be the best answer. You should not spend a lot of your time and effort defending the increased number of student eligible for special education services. If need be, that is something that MASE will do on your behalf. You should continue to work with your partners in regular education to do everything reasonable to reduce the ranks of students receiving special education services. You should continue to work as quickly as possible to remediate the challenges to your students. You should continue to focus on quality pre-intervention services, thoughtful evaluations that drive instruction and necessary supports. You should continue to do what you have always done...making sure that every child has the best opportunity for success regardless of the maybe's that they are facing. ●



**John Klaber**  
MASE Executive Director

## MASE IMPACT

### Spring 2019

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Executive Director

**John Klaber**

## 2019 MASE Leadership Issues (Formerly "Rural Issues")

**April 25, 2019**

**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!



**SpEd Forms:** The most user-friendly and  
comprehensive special education data  
management system.

**MA Forms:** MA billing made simple.

**504 Forms:** Managing the Section 504  
process.

**RTI Forms:** Documenting and tracking  
academic and behavior interventions.

## Special Education Finance Bootcamp

Register at [gced.k12.mn.us](http://gced.k12.mn.us)

### Five regional dates

Topics Covered:

Overview of Special Ed. Funding

Understanding your district's SpEd Comprehensive Aid Report

Maximizing your Revenue

Time & Effort Reports

Cross Subsidy Calculation

Tuition Billing

Q&A Session and much more!

**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](mailto:dchristians@mnasa.org).

### ***Let's Elevate Our Profession from page 1.***

education as a career. Personally, I am proud to say my high school senior daughter is currently in the process of selecting a college right for her as an incoming freshman majoring in special education. I look forward to giving you an update on this process in our MASE summer newsletter.

We elevate our profession by holding educators to high standards and guiding them to hold high expectations for students. One way to honor our professionals is not only to recognize their passion, dedication and work throughout the year but to give them special shout-outs on their state or national declared day/week/month. While some of these special time frames have passed already this school year (school psychologists, counselors, occupational and speech therapists), there are more coming up. Mark your calendars for Minnesota paraprofessional recognition week, scheduled for March 4-8, 2019. National teacher appreciation week and national nurse week is May 6-10. Ironically, the official theme for March's social work month is elevate the profession.

MASE elevates our profession by not only recognizing and supporting staff hired specifically to meet the needs of students with disabilities, but to recognize and support all individuals in our educational systems that have a role. Minnesota is known to be one of the most inclusive states. I fully agree with the quote Robyn Widley often uses to close presentations, borrowed from former Senator Paul Wellstone's wisdom, "We all do better, when we all do better". MASE members are known to be collaborative. We strive to engage in inclusive conversations while working to eliminate departmentalized silos in effort to all be working towards a common cause of effectively supporting students. The more special educators can be on the same page with general education colleagues, parents, administrators, custodians, food service, wider community, etc., the more our students will have opportunities for success.

Lastly, we elevate our profession by being a strong voice in advocating for students with disabilities both in Minnesota and the nation. Locally, this is evidenced by the increase of legislators and key stakeholders reaching out to John Klaber and MASE to learn where we stand on certain issues of concern. I am inspired by the efforts put forth by both our legislative committee, co-chaired by Jamie Nord and Diane McCarron, and our federal advocacy committee, co-chaired by Cheryl Hall and Darren Kermes. All of this couldn't be done without

our fearless executive director and leader, John Klaber, and our amazing MASE team members Mia Urick, Deb Larson, Dave Christians, Stephanie Kastanos, Jeanna Vohnoutka and Lobbyist Brad Lundell. Together, we will continue to elevate our profession by building strong leaders who work on behalf of students with disabilities.



### **SAVE THE DATE!**

### **2019 MASE Fall Leadership Conference**

**October 23-25, 2019**

**Cragun's Conference Center, Brainerd**

Special  
Education  
Legislative  
Summit **2019**  
Arlington, VA | July 7-10, 2019

### **CEC/CASE Special Education Legislative Summit**

**July 7-10, 2019**

**Crystal Gateway Marriott  
Arlington, VA**

**Register today!**

**[www.specialeducationlegislativesummit.org/](http://www.specialeducationlegislativesummit.org/)**

# SPRING CONFERENCE

## preview

What do you think of when you hear the words, "public education?" What do you think your students think of? How about their parents? District staff? Community members? Our audiences are many and diverse, and every individual has an idea of what "school" means to them – and therefore what schooling should be today. So what's your story? A critical part of school leadership is cultivating an accurate narrative about the state of public education, and sometimes that can be challenging given the range of audiences and perspectives. Let's take some time this spring and reflect on the stories of success, the opportunities provided by a system that is accessible to all, and the great presence of our schools in communities across Minnesota. Let's celebrate public education!



### Highlights

Arriving Wednesday evening? All are welcome to gather for **refreshments and conversation at a casual reception** from 8 - 10 pm in the Fireside Room at the Marriott. We will have snacks and a cash bar.

Thursday morning, we will kick off the conference by recognizing our MASE and MASE award recipients.

We are pleased to announce that **MDE Commissioner Mary Cathryn Ricker** will be with us to highlight her vision for E-12 education in our state. Governor Tim Walz will be with us if his schedule allows.

Be sure to attend the three rounds of **Breakout Sessions** to customize your learning and bring home great resources to address your specific areas of interest.

The **Exhibit Fair** is a convenient way to visit with representatives of companies offering the latest products and services. Sign up for the **drawings!** One lucky participant's district will win a door prize – sign up at each booth to increase your chances. Our **Dessert Reception** after lunch on Thursday is a great event in the exhibit area, a chance to visit with our friends in business and sample delicious treats.

Our Thursday afternoon general session is "**Kumbayah – The Juneteenth Story**," written by **Rose McGee** and directed by **Denise Chapman**. This performance features an intergenerational ensemble, including students from the Perpich Center for Arts Education.

On Friday morning, we will present several awards and recognize our retirees.

Our Friday program will also feature **short presentations by the MASA Regions** that received major professional development grants last year. When receiving major grant support, regions agree to present the outcomes of their initiatives to the general membership at the conference. These presentations not only impart useful learned content, but also provide ideas for other regional teams.

The final keynote speaker on Friday is **Shane Safir** presenting, "**The Listening Leader ~ Creating the Conditions for Equitable School Transformation**."

## 2019 MASA/MASE Spring Conference

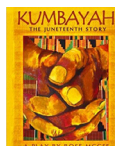
Celebrate Public Education

March 7-8, 2019

Minneapolis Marriott Northwest  
Brooklyn Park, MN

[events.resultsathand.com/maseapp/854](http://events.resultsathand.com/maseapp/854)

### Meet Your Keynote Speakers...



Kumbayah - The Juneteenth Story



Shane Safir

## Schedule At-a-Glance

### Wednesday, March 6 - Pre-Conference Events

9 am-4 pm ..... MASA Great Start Cohort  
MASE New Leaders Cohort  
11-4 pm ..... MASA & MASE Board Meetings  
2-5 pm ..... Conference Registration Open  
8-10 pm ..... Conference Welcome Reception

### Thursday, March 7

(Registration open 7:30 am)

8:30-9:30 am ..... Conference Welcome  
Awards Presentation  
MDE Commissioner  
9:45-10:45 am ..... Breakout Session Round 1  
10:45 am-3:30 pm ..... Exhibits Open  
11:15 am-12:15 pm ..... Breakout Sessions Round 2  
12:15-1:15 pm ..... Lunch  
2-3 ..... General Session  
Kumbayah - The Juneteenth Story  
3:15 ..... Prize Drawings  
3:30-4:30 ..... Breakout Sessions Round 3

### Friday, March 8

(Registration open 8 am)

8:30 am-12 pm ..... Awards Presentations  
Retiree Recognition  
Keynote Speaker:  
Shane Safir



## Congratulations to our 2019 MASE Award Recipients!

Each year, MASE provides an opportunity to recognize outstanding members and colleagues who are dedicated leaders and advocates for children and Minnesota education. We are pleased to announce this year's recipients.

### 2019 Special Education Administrator of the Year Award

presented on Thursday Morning, March 7 at the MASE/MASA Spring Conference

The MASE Special Education Administrator of the Year Award recognizes a MASE member for excellence in special education leadership. The recipient must be a practicing administrator and a member of MASE with a minimum of 5 years administrative experience, and must have demonstrated a concern for students/families with disabilities as well as active involvement in professional and community affairs.

**2019 MASE Special Education Administrator of the Year Award Recipient**  
**Scott Hare, Director of Student Special Services, Mankato Area Public Schools**

### 2019 MASE Distinguished Service Award

presented on Thursday Morning, March 7 at the MASE/MASA Spring Conference

MASE has periodically selected recipients to receive the MASE Distinguished Service Award. The award is not necessarily given on a yearly basis, but is presented when a recipient of particular merit is identified.

The recipient must have a positive history and association with Minnesota public education, having contributed to and participated in activities that improve Minnesota's public education system on a statewide basis. This award recipient must have a reputation as a person who willingly "goes the extra mile."

**2019 MASE Distinguished Service Award Recipient**  
**Laura Tubbs Booth, Attorney and Managing Partner, Booth Law Group**

### 2019 MASE Legacy Award

presented at the MASE Fall Leadership Conference

An important focus of the work of MASE is the support of emerging educational leaders. The MASE Legacy Award recognizes a member for their commitment to encouraging, developing, and mentoring leaders who reflect MASE's mission. This award's recipient will have contributed to the professional growth and development of others and have a service history as a long-standing, contributing MASE member through training, mentoring, personal support, and modeling, resulting in an impact at the local, regional, and state levels that is considerable and measurable over time.

**2019 MASE Legacy Award Recipient**  
**Gaynard Brown, Retired Director (Paul Bunyan Education Cooperative)**

### 2019 MASE New Special Education Leader Award

presented on Friday Morning, March 8 at the MASE/MASA Spring Conference

This award is given annually to a new leader who exhibits the leadership excellence required to be effective in challenging times. These skills include: a willingness to risk, an ability to collaborate, skills in listening and communicating, and a broad understanding of the educational system. Further, this award is given to a new leader who has demonstrated passion and commitment to the MASE mission of shaping policies and practices which impact the quality of education for students with disabilities.

**2019 MASE New Special Education Leader Award Recipient**  
**Amy Ernst, Director of Special Education, Buffalo-Hanover-Montrose Schools**

Congratulations to All of Our Award Recipients!

# LEGISLATIVE *update*

There's the Fast and Furious movie franchise that features a lot of high speed car chases and unbelievable special effects. Although it isn't a movie franchise (and I have yet to see a car chase), the 2019 legislative session is moving into its fast and furious stage.

The number of bills being introduced this session is up, largely because a number of bills that were part of the vetoed omnibus supplemental appropriations and policy bill from 2018 have been introduced again. Those bills, along with the many new initiatives that are being discussed, will make the next few weeks extremely busy. The first deadline for hearing bills is Friday, March 15. In most cases, this means that bills dealing solely with policy changes will have to clear all of the policy committees necessary for them to pass by that date. Many of these bills will be folded into omnibus funding and policy bills, but the goal is to have as many bills as possible meet the first deadline. That means that the first two weeks of March will feature wall-to-wall committee meetings in both the House and Senate.

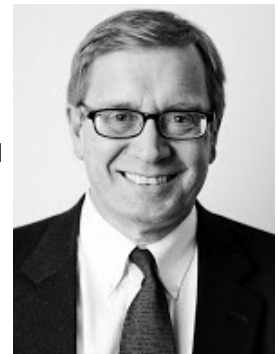
There are a number of special education policy initiatives being discussed and they all will likely meet the deadline. The ever-increasing paperwork requirements that are placing an undue burden on teachers are being discussed and an opportunity to relieve some of this burden while ensuring the educational rights of students with disabilities may be possible. During the legislative interim, the Senate Education Policy Committee held a series of hearings aimed at reducing paperwork and understanding other elements of special education that could possibly be increasing costs.

As part of these discussions, New Ulm Public Schools put together a package of proposals addressing what they view as consuming an inordinate amount of time given the value added to the education of students and, as a result, adding costs. Included in the set of proposals are:

- Relaxation of the requirements on short-term objectives.
- Lifting the requirement that districts convene a conciliation conference.
- Changing the requirement that a special education student receive a transition plan in Grade 9 to age 16.
- Allowing districts to do a functional behavior assessment as a stand-alone procedure without conducting a comprehensive evaluation of the student.

In addition to these proposals, MASE has been working

on two policy initiatives. The first is to allow students who receive special education services to also receive services under the Alternative Delivery of Specialized Instructional Services (ADSIS) for issues not included in the student's Individualized Education Plan (IEP). Another initiative yet to be jacketed as a bill would eliminate the discrepancy model for the identification of specific learning disabilities. The debate surrounding many of these issues will be intense, but there appears to be a consensus building that we have reached the breaking point when it comes to the amount of paperwork that is needed to be performed in the area of special education.



**Brad Lundell**  
MASE Lobbyist

Special education funding will also be discussed. The Governor's budget has not yet been released as I write this column, but it is expected that special education funding will be increased in that document. MASE's position is that while overall funding does need to be increased, there are elements of the current formula that also need to be corrected irrespective of funding. The decision to roll special education transportation costs into the special education basic formula has caused issues for a number of districts and those issues have been exacerbated by the funding caps in the formula. There is also the transportation funding issue related to the transportation of students with IEPs (homeless students, students in care and treatment, and student with 504 plans). Approximately \$40 million per year is diverted from special education funding to pay for these transportation costs. These students need—and deserve—to be transported, but one wonders whether the special education formula is the funding area used to accommodate these needs.

MASE Day on the Capitol is coming up on Thursday, March 21, and it would be great to have an impressive turnout of special education directors to provide insight to legislators on why change in special education policy and funding is needed. In the meantime, don't hesitate to contact me with questions or comments. I can be reached at [lundelllegislative31@gmail.com](mailto:lundelllegislative31@gmail.com) or 612-220-7459. ●



# MASE Day at the Capitol

Join us for the 2019 MASE Day at the Capitol!

**Date:** March 21, 2019

**Time:** Meeting will begin at 8 am

**Location:** Best Western Capitol Ridge | 161 St Anthony Ave, St Paul, MN 55103

**Room:** Capitol Hall 2

The day will begin with a hot breakfast and legislative meeting starting at 8 am at the Best Western Capitol Ridge and the group will then head to the Capitol to meet with various legislators. The group will then reconvene back at the hotel at around 2:30 pm.

All MASE members are welcome to attend! You do not have to pre-register and there is no cost to participate!

If you need lodging, please call the Best Western Capitol Ridge at 651-227-8711 to request a room in the MASE room block.

## MASE Day at the Capitol Planning

In order to help you prepare for this important day, we have created a Google sheet with the names of your legislators, their assistants' names and their contact information. The Google sheet has a tab at the bottom for each of the MASE areas. You can access the Google sheet here: <http://bit.ly/2TS6528>

The purpose of the Google sheet is to organize our meetings and ensure that all legislators are contacted, placing intentional focus on those serving on education committees.

You are individually responsible for contacting the legislative assistants and setting up your appointment time. When you make your appointments, please fill that information in on the Google sheet in columns I and J, indicating your name and appointment time. After the meeting, you can type in any key takeaways or notes regarding follow-up items in Column K.

If you have any questions, please contact Jamie Nord for assistance ([jnord@scred.k12.mn.us](mailto:jnord@scred.k12.mn.us)).

## Resources for "Telling Your Story" to Legislators

A special thank you goes out to MASE Legislative Committee members Janell Bullard, Amy Ernst, and Alicia Jepsen for putting together the following helpful resources:

To hear how simple it is to tell your story and make an impact, go here: <http://bit.ly/2TMolEK>

Here is a powerpoint that accompanies the presentation if people want to click on the live links: <http://bit.ly/2TRb833>

To watch the step by step process and see the resources referenced by the Legislative Committee members in the video linked above, click here: <http://bit.ly/2TRWI2C>



## MASE Legislative Resources

*Be sure to check out MASE Lobbyist Brad Lundell's blog ([see-notes.blogspot.com](http://see-notes.blogspot.com)) for his ongoing updates and commentary. You can reach Brad at 612-220-7459 (cell) or [lundelllegislative31@gmail.com](mailto:lundelllegislative31@gmail.com).*

**Members will receive legislative email updates during the session too!**

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

When I was asked if I would consider putting my name on the ballot for MASE President, I was speechless. There are so many knowledgeable and skilled members within MASE, but I was also excited about the opportunity to meet more of the talented and compassionate members of MASE. I have been a MASE member for many years and have served on the Legislative and Professional Development Committees; I am currently the F-I Area Representative on the MASE Board. I have also been on the Minnesota Special Education Advisory Panel and sat on several task forces related to Medical Assistance funding.

As the Executive Director for Southern Plains Education Cooperative (located along the Iowa border), I know how difficult and lonely the job of Special Education Administration can be without having colleagues to depend upon. MASE has been a huge asset in helping me survive and helping our students thrive. I would like to give back to the MASE organization.

My priorities:

- Work to support MASE member's needs with input from the members.
- Work with our education partners to collectively ensure that all decisions are made with the best interest of students in mind.
- Develop ways to help our membership as we continue to see an increase in the workforce shortage while partnering with agencies to increase qualified candidates in the field of special education.

I appreciate being able to follow behind recent MASE Presidents who have developed a strong strategic plan, and I would love to continue to see this plan strengthen. It would be an honor if I was selected to serve as the next MASE President-Elect. ●



**Sarah Mittelstadt**  
Director of Special Services  
Southern Plains Education  
Cooperative  
MASE President-Elect Nominee

It's an honor to be nominated for the treasurer position on Minnesota Administrators of Special Education's Board. This opportunity is met with excitement and appreciation. I've been a MASE member throughout my tenure. The organization has pushed me to become a better leader and assisted in my capacity to advocate for students receiving special education services. I certainly see this nomination as an excellent opportunity to give back and help MASE strive for continued growth. It's abundantly clear that MASE's impact is felt throughout the state and this must continue well into the future.

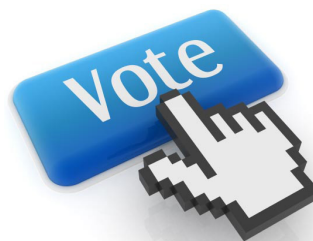
Having a solid financial bedrock is imperative for any organization. If elected as treasurer, I'd work to build upon the dedicated efforts of those who have served before me. It's essential we sustain and enhance MASE's financial wherewithal to promote our purpose and vision into the future. The position also chairs the Business Partnership Committee. Within this role, I'd assist the committee in the recruitment of new business partners and the retention of existing relationships.

It's certainly an honor to be nominated for MASE's treasurer position. I look forward to the potential opportunity of serving the organization. ●



**Scott Masten**  
Director of Special Education  
Lake Agassiz Special Education  
Cooperative  
MASE Treasurer Nominee

**Watch your  
email for the  
2019 Election  
Ballots!**



Once again this year's elections will be conducted online. Electronic ballots will be emailed during the week of March 11. Be sure to watch your email for your login information!

# CASE *update*

## MASE Recognized at the National CEC Convention in Indianapolis

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

Each year CASE presents Unit Development Awards in the areas of Awards, Communication, Legislative, Membership Development and Professional Development. At the National CEC Convention in January, MASE received the Unit Award in the area of Communication. The CASE Unit Development Committee wrote, "MASE works hard to provide information quickly to its members through multiple platforms. In addition to a quarterly newsletter archived on their website, the MASE eUpdate is sent out every other week to all members. MASE uses email, the frequent MASE eUpdates, and Twitter along with a legislative blog. MASE also added a virtual meeting component to the Leadership Issues meetings in 2017-18."

This award is a reflection of the many MASE members who work to provide information and support to the entire membership. Congratulations Minnesota! ●



Pictured (L-R): CASE Unit Committee Chair Mike Asip, MASE President Laura Pingry-Kile, CASE Liaison to the MASE Board Cherie Johnson, and CASE President Phyllis Wolfram.

### 2019 CASE/NASDSE Conference

October 27-29, 2019

Louisville, Kentucky

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



### Save the Date!



MASE  
Best Practices  
May 15-17, 2019  
Madden's Resort, Brainerd

# RESEARCH TO *practice*

## New Resources for Districts from CAREI

The Center for Applied Research and Educational Improvement remains committed to identifying and creating resources for school districts to use in implementing evidence-based practices. We recognize that it is sometimes hard to scale-up research in your own settings, and our goal is to help you identify potential solutions to your unique problems of practice and help you evaluate the impact on student outcomes. To that end, I would like to provide you with some resources we have developed to address some common issues and concerns.

### **Research Briefs**

CAREI has partnered with Dr. Katie Pikel from the Organizational Leadership and Policy Department (OLPD) to develop six “briefs” that highlight reviews of research in six areas. Our goal was to develop tools to aid educators in making research-informed decisions about practice. These briefs include looping, platooning, class size, literacy universal screeners, and homework. We would like to continue developing more briefs and would welcome feedback from you about practices to review!

**Research Briefs:** <http://bit.ly/2U7oNDm>

### **Attendance**

The reauthorization of federal education law with Every Student Succeeds Act (ESSA) in 2015 has prompted state level focus on student attendance as a robust metric of school quality/student success. In addition, ESSA requires states to report how many students are chronically absent on their school report card. During the 2015-2016 school year, the most recent national data available, the U.S. Department of Education Civil Rights Data Collection (CRDC) found that nearly 8 million students were chronically absent, defined as missing 15 or more school days during the year. In Minnesota, 102,071 students missed 15 or more school days in 2016. That is enough students to fill US Bank Stadium, Target Center, and Target Field!

Chronic absenteeism significantly impacts a variety of student outcomes including mathematics and reading achievement, social-emotional development, grade retention and dropout, and student discipline and is associated with risky behaviors such as substance use. Students with excessive absenteeism are also

at increased risk for school dropout which is further associated with economic, social, and health problems in adulthood. In addition to the individual effects of absenteeism, research has found that classrooms with high rates of absenteeism have spillover effects with lower test scores observed for all students in the classroom, even the students with good attendance.



**Kim Gibbons, Ph.D.**  
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(CAREI)

CAREI has two resources to help districts address chronic absenteeism. First, we are offering districts an opportunity to participate in a Networked Improvement Community (NIC) with other districts to identify solutions and evaluate the impact of these solutions on student attendance. CAREI will assist districts in reviewing their attendance data using a tool we have developed to easily disaggregate attendance by a number of important variables. We will also help districts collect and analyze the “root causes” of attendance problems using a student and parent survey developed by one of our researchers, Dr. Amber Humm Patnode. Once root causes are identified, we will facilitate the development of action plans to address the root causes and evaluate whether solutions are having a positive impact on attendance. We are willing to host these NIC's regionally. Please let us know if you have interest in starting a NIC in your district or region!

Second, we have conducted a literature review on Attendance and Chronic Absenteeism for our CAREI District Assembly members. We are providing open access to this document to assist educators across the state in addressing this important issue.

**Attendance and Chronic Absenteeism Literature Review:** <http://bit.ly/2Bjs0zZ>

We hope this resources are useful to your district in your ongoing effort to implement evidence-based practices. Please feel free to contact me at [kgibbons@umn.edu](mailto:kgibbons@umn.edu) with any questions or comments! ●



## Setting the Record(s) Straight: A student records Q & A

These days, it seems that fielding a request for an animal to accompany a student to school is less a question of "if" and more a question of "when." It is important that school districts have policies and procedures in place for dealing with these requests. Because school districts have specific legal obligations with respect to service animals, school districts should verify that any policies and procedures are in compliance with the Americans with Disabilities Act ("ADA").

Data privacy issues can pop up at any time and, inevitably, they do. Student data is governed by data privacy laws at the federal and state level. The Family Educational and Privacy Rights Act ("FERPA") is the federal law that governs data privacy with respect to education records created and maintained by school districts and other educational institutions. The requirements under the FERPA must be considered carefully alongside its state law counterpart, the Minnesota Government Data Practices Act ("MGDPA"), which governs, among other things "educational data" created, collected, or maintained by a public educational agency or institution.

Under both the FERPA and the MGDPA, school districts and other educational institutions have an obligation to safeguard education records pertaining to students and protect student privacy. However, navigating requests for student records while working within the bounds of the FERPA and the MGDPA can be a challenging task. School personnel are confronted with all kinds of requests for student records, which can lead to questions about what types of student data can be disclosed and to whom. Do schools have to turn over student records to law enforcement? Can a non-custodial parent request access to his or her child's records? What about the school counselor's notes, are those part of a student's educational records? This article will explore some of these common questions that arise regarding student records.

### **Question #1: What is an "education record" for purposes of the FERPA?**

With certain exceptions, the FERPA broadly defines the term "education records" as records, files, documents and other materials which (1) contain information directly related to a student; and (2) are

maintained by an educational agency or institution or a person acting on behalf of an educational agency or institution. The Individuals with Disabilities Education Act ("IDEA") adopts the FERPA definition of education records. Given the breadth of the FERPA, it is safe to assume that IEPs, special education evaluations, and other special education records about one or more specific students are FERPA education records.

Importantly, whether a record is subject to the FERPA depends not on who creates or originates the document, but on whether the school maintains it. For example, if a school resource officer, acting in his or her capacity as a law enforcement unit, creates a record regarding a student incident that occurred at school for law enforcement purposes and does not share it with anyone at the school, the record would not be considered an education record under FERPA. However, if the record is provided to any school official, it becomes a record maintained by the school and, accordingly, would be subject to the FERPA.

Similarly, if a current or former student is identified in, or can be identified from details contained in, a document maintained by a public educational institution, that document contains "educational data" governed by the MGDPA. This is true regardless of the medium in which the school maintains the document or who at the educational agency maintains it. For this reason, it is generally safe to assume that special education records that identify students are classified as educational data for purposes of the MGDPA, even if they are not included in the student's official special education file.

### **Question #2: Are a student's medical records governed by the FERPA?**



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### ***Legal Issues from page 13.***

Medical records that are created and maintained by a student's private family physician or any other health care provider not employed by the school, are not education records unless and until they are shared with school officials. Once the school receives medical records, however, those records become a part of the student's education record. This distinction is particularly likely to create a concern in the special education context, when medical providers share information as part of an evaluation or development of an educational program.

As with other documents maintained by school employees, medical records created by or maintained by school employees are FERPA education records. This is true regardless of whether the document becomes part of an official file or is shared with any other school employee. For example, medical records maintained by a school nurse or counseling records maintained by a school counselor are generally considered education records under the FERPA and school-owed educational data under the MGDPA.

Records classified as "education records" under FERPA are, by definition, not covered by the Health Insurance Portability and Accountability Act ("HIPAA"), regardless of whether a nurse, school psychologist or any other type of school employee created, received, or maintained the records in his or her role as a school employee. The FERPA, however, does not apply to "treatment records," which are records made, maintained, or used only in connection with treatment of the student and which are disclosed only to individuals providing the treatment. The exception for "treatment records" is very narrow and is likely inapplicable to medical records obtained by a school. In addition, the "treatment record" exception applies only to students who are eighteen years of age or older or who are attending a postsecondary education institution, and the records must be made or maintained by a recognized professional or paraprofessional like a physician or psychologist.

#### **Question #3: How should school personnel respond to a request from a noncustodial parent requesting copies of their special education student's IEP and other special education records?**

Minnesota law, the FERPA, and the IDEA generally give parents the right to inspect and review child's education records, unless there is a court order in

place stating otherwise. Absent a court order to the contrary, both parents typically may exercise these rights even in the event of a custody dispute.

Parents may also request copies of education records if the failure to provide copies would effectively prevent the parent from exercising their right to inspect and review the records. For example, if a parent resides too far away from the school district to make in-person inspection of the records a reasonable option, then the school district has an obligation to provide the parent with copies. Parents also have the right to have a representative review and inspect education records pertaining to their child.

#### **Question #4: Do parents still have a right to review their student's education records after the student turns eighteen?**

Parents' FERPA rights generally transfer to the student once the student has reached the age of eighteen or is enrolled in a postsecondary education institution. There is one notable exception to this rule. School districts are generally not required to get an eighteen-year-old student's permission before disclosing education records to the student's parent, if the parent still claims the student as a dependent for purposes of federal income tax.

#### **Question #5: Are parents entitled to review a teacher's private notes regarding their student?**

Not necessarily. While the FERPA and the MGDPA are fairly broad and govern a wide range of records, they specifically exempt so-called "desk drawer" records. In order for a document to be exempt as a "desk drawer" record under the MGDPA, it must be: (1) made by instructional personnel; (2) kept in the sole possession of the maker; (3) not accessible to anyone other than the maker, except a substitute teacher; and (4) destroyed at the end of the school year in which it was made.

This is a very limited exception and does not apply to all teacher notes. For instance, if a special education teacher shares notes regarding a student with another school official or members of the student's IEP team, those notes would be considered education records under FERPA. Furthermore, notes made by supervisors, administrators or related personnel do not fall under this exception, so parents may be entitled to access those notes, regardless of whether the supervisor or administrator shares the records with other staff.

### ***Legal Issues continued on page 15.***



**Question #6: Are schools required or authorized to turn over student records to law enforcement upon request?**

Generally, no. Absent an exception under the FERPA or the MGDPA, education records cannot be shared with law enforcement, prosecutorial authorities, or parole or probation officers without written consent from the parent or eighteen-year-old student. Under Minnesota law, in some instances disclosing private educational data to law enforcement may require a valid court order.

Violating the MGDPA may subject a school and/or school personnel to administrative, civil, and even criminal penalties. Accordingly, before a school discloses information that may be protected by the MGDPA, including "private" educational data, it should carefully review—and, if necessary, redact—the data to prevent inadvertent disclosure of protected information. Schools are advised to consult with their legal counsel before releasing any potentially protected data if they have any questions about compliance with data privacy laws. ●

## Are You Moving?

Now is the time of year when many of our members are on the move! Help us keep track of you (and keep your MASE benefits and services coming to you). Please give Deb a call at (651) 645-6272 or (866) 444-5251 or email [members@mnasa.org](mailto:members@mnasa.org). Deb will update your records. If you have new colleagues in your area who are not MASE members, please let us know and we will send membership information to them.



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.

Funds have been raised primarily through an auction now held every other year during the Special Education Directors' Fall Conference. We started with \$4500 in 1991 and this year (2019) our endowment is over \$250,000.00. You are all amazing!

We will maintain our current practice of requesting that you identify scholarship candidates during 2019. Please distribute the application to highly qualified individuals you know are pursuing graduate special education studies. MASE, at the recommendation of the Scholarship Committee will offer four (4) \$2,000 awards this spring. We encourage you as Directors of Special Education to recommend a candidate you think deserving of this award.

Candidates must be in a private or public Minnesota graduate program leading to special education licensure. This includes psychology, and any related services as well as teacher licensure. It could also include someone entering the program to obtain Special Education Director licensure. (Note: Students attending non-Minnesota schools will also be eligible if the school the individual is attending is located geographically close to Minnesota). Strong consideration will be given to candidates working to obtain licenses in highest areas of need across Minnesota; regional needs will also be considered when they are different.

Please have the candidate complete their section; the Special Education Director will be responsible to submit the final document for consideration to Shannon Erickson by **April 5, 2019**. If you have questions, contact Shannon via email at [serickson@fergusotters.org](mailto:serickson@fergusotters.org) or by phone at 218-998-0935.

Applications are available at [www.mnase.org/stenswickbenson-scholarship.html](http://www.mnase.org/stenswickbenson-scholarship.html)

# MASE CALENDAR

## 2019

### **March 6**

**MASE Board of Directors Meeting**  
**MASE New Leaders Cohort - All Leaders #3**  
Minneapolis Marriott NW, Brooklyn Park

### **March 7-8**

**MASA/MASE Spring Conference**  
Minneapolis Marriott NW, Brooklyn Park

### **March 14**

**Special Education Finance Bootcamp**  
Sourcewell, Conf. Rooms 5 & 6  
Register at [gced.k12.mn.us](http://gced.k12.mn.us)  
Note: This was re-scheduled from Feb. 13 due to inclement weather.

### **March 21**

**MASE Day at the Capitol**  
Best Western Plus Capitol Ridge Hotel, St. Paul

### **March 22**

**Directors' Forum**  
MDE in Conference Center B, Room 15-16

### **April 10**

**Special Education Finance Bootcamp**  
South Central Services Coop., Mankato  
Register at [gced.k12.mn.us](http://gced.k12.mn.us)

### **April 25**

**MASE Leadership Issues**  
10 am–2 pm  
Benton Sterns Education District

### **April 26**

**Special Education Advisory Panel (SEAP) Meeting**  
MDE in Conference Center A, Room 13

### **May 3**

**Directors' Forum**  
MDE in Conference Center B, Room 15-16

### **May 15**

**Special Education Finance Bootcamp**  
Madden's on Gull Lake, Brainerd  
Register at [gced.k12.mn.us](http://gced.k12.mn.us)

### **May 15-17**

**MASE Best Practices**  
Madden's on Gull Lake, Brainerd

### **June 20-21**

**MASA & MASE Board of Directors Retreats**  
Minneapolis Marriott NW, Brooklyn Park

### **July 1**

**Membership Renewal**

### **July 7-10**

**Annual CASE/CEC Legislative Summit**  
Westin Alexandria, Washington D.C.

### **September 6**

**Directors' Forum**  
MDE in Conference Center B, Room 15-16

### **September 20**

**Special Education Advisory Panel (SEAP) Meeting**  
MDE in Conference Center A, Room 13

### **October 23**

**MASE Board of Directors Meeting**  
**MASE New Leaders Training**  
Cragun's Conference Center, Brainerd

### **October 23-25**

**MASE Fall Leadership Conference**  
Cragun's Conference Center, Brainerd

### **October 26-27**

**CASE Board of Directors Meeting**  
Louisville, KY Galt House

### **October 27-29**

**Joint CASE/NASDSE**  
Louisville, KY Galt House

### **November 22**

**Special Education Advisory Panel (SEAP) Meeting**  
MDE in Conference Center A, Room 13

### **December 6**

**Directors' Forum**  
MDE in Conference Center B, Room 15-16

## 2020

### **January 24**

**Special Education Advisory Panel (SEAP) Meeting**  
MDE in Conference Center A, Room 13

### **February 5-8**

**2020 CEC Convention**  
Portland, OR

### **March 6**

**Directors' Forum**  
MDE in Conference Center B, Room 15-16

### **March 11**

**MASE Board of Directors Meeting**  
Minneapolis Marriott NW, Brooklyn Park

### **March 12-13**

**MASA/MASE Spring Conference**  
Minneapolis Marriott NW, Brooklyn Park

### **May 13-15**

**MASE Best Practices**  
Madden's on Gull Lake, Brainerd

### **July 1**

**Membership Renewal**