



IMPACT

1884 Como Avenue • St. Paul, MN 55108 • (651) 645-6272 • members@mnasa.org

Fall 2016

Our Children are Watching: Creating a New Narrative

 Our children are watching. We have watched the events of this past summer that evoked visions from the civil rights movement. We have also watched and listened to the political rhetoric that has been broadcast across all forms of media. In considering all of this, one can't help but wonder what our children have internalized. Many of our students enter our schools after hearing and absorbing negative narratives about who they are, which impacts their sense of security and innocence. I look into the faces of our students, especially our students of color, and wonder about the spoken and unspoken messages they have internalized in their day to day lived experiences. Truth be told, these messages are manifested outside of our schools, however, may be reinforced if we are not mindful of our own inherent bias and discomfort in working and engaging children and families across racial, ethnic, economic, and linguistic differences. As leaders in education, we must remain mindful of the current sociopolitical context and the recent unveiling of violence in our communities and its impact on our students, especially our black and brown students.

I had the opportunity this past August of learning from Alex Pate and his innovative Innocent Classroom Project. His work focuses on discovering the **good** in each child through relationship, connection and context. The basis of this premise is that many students of color

lose their innocence at a very early age, due to the internalization of negative narratives. What struck me most in listening to Alex Pate was his description of how black and brown children enter schools with their backpacks heavily weighed down by the negative narratives around who they are and their value in society. It is a narrative all too familiar to many. Children are watching, listening, and most importantly, **becoming** the repeated spoken and unspoken messages communicated to them about their worth and capabilities.



Mary Clarkson
MASE President
Executive Director of Special Programs
Richfield Public Schools

Our children are watching. Aristotle defined an individual's "good" as the thing for which all other things are done. That is, the "good" is the end goal to which an individual's activities are directed. Think about that - if we work from this premise, every behavior exhibited is done to meet a need - one's own sense of "good." It is our responsibility as leaders in education to ensure that we find the "good" and name the "good" in each child that walks through our doors. For example, a child's "good" can be to feel seen, free, happy, or safe throughout the daily lives. When this "good" is not being met, they will then demonstrate behaviors that are counter to their good. The only way to identify a child's "good" is through taking time to build relationships. As we enter a new school year, keeping this truth in the forefront of our work is critical.

As stated by the wise Frederick Douglas, "It is easier to build strong children than to repair broken men." This statement illuminates the impact that we as educators have on the trajectory of our students. Regardless of circumstance and life challenges, all parents and their children hope for success in life. Parents and students desire a school experience where their child's unique

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Welcome Back to the Start of the 2016 School Year!

I got off on a bit of a rant last year about the year-round nature of the work of the special education director. Hopefully you took my advice and were outspoken in letting folks in your community know what your work really entails. Our work on your behalf is also not limited to the school year. I'll share a few things we worked on over the summer. However, I hope that your take away is more than the year-round nature of our work at MASE, but the work would not get done without the contributions made by some of our members on behalf of all our members.

1. President-elect Diane McCarron, CASE representative Jill Skarvold, and I went 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. I am pleased we were able to arrange meetings with every one of them and had direct conversations with U.S. Representatives Tom Emmer and Tim Walz. Our conversations focused on the importance of moving forward on the reauthorization of IDEA, but at the same time making efforts to reduce paperwork demands. We also discussed the challenge to find qualified staff to address the needs of our students. Specific to that conversation was a request something be done to address the significant financial burden associated with acquiring special education teacher licensure. We also talked about the "grow your own" efforts springing up around the state. To that end I had follow-up communication with one of Representative Walz's staffers regarding how the model might work for returning veterans (already possessing a college degree). I'd appreciate visiting with any one of you should you have an interest in pursuing this conversation further.
2. Janell Bullard, Brad Lundell and I had a follow-up conversation with Representative Emmer back here in Minnesota. (The new MAWSECO facilities are very impressive!) We spent almost 2 hours (a very generous amount of time in the busy world of our congressman) elaborating on the staffing challenges, identifying how services are provided throughout most of Greater Minnesota, and our desire to be able to assure that the work of our staff is effective, efficient and engaging.
3. We pulled a team together, including Diane McCarron and myself, to prepare testimony before the Board of Teaching regarding the multiple burdens imposed upon new teachers holding the ABS license. Scott Hare, Cheryl Johnson and Kira Johanson spoke eloquently to the requirement that new teachers spend additional

money to obtain an anchor license. They addressed the costs associated with taking graduate credits, travel expenses and textbooks. Kira, a first year teacher, shared she would have to give up her part-time job, which is necessary to help her pay off her existing school loans. We reviewed unintended consequences, including the loss of undergraduate teacher licensure programs and the challenge to find appropriately licensed individuals to serve students in federal setting 3 and 4 programs across the state. This will be a point of emphasis during the next legislative session.



John Klaber
MASE Executive Director

4. Mary Kreger, Reggie Engebretson and I met with MDE Special Education leadership, including Robyn Widley, Marikay Litzau, Erin Levin and Daron Korte in July to provide feedback regarding proposed reductions in monitoring paperwork. The outcome of the meeting was very positive and suggested that the individual time required to review a single file selected for monitoring might be reduced by a third or more. I am in the process of visiting with Erin Levin to arrange follow-up meetings with various regional groups. The conversations will focus on how we collaboratively move forward on the USDE expectations that monitoring emphasize educational outcomes.
5. Our treasurer, Lori Fildes, Mia Urick and I met to work on plans to move forward on our Business Partners structure. By the time you read this message, we will have held our first meeting of the Ad Hoc Business Partnership workgroup. We expect that regional groups will welcome Tier 3 Partners as they reach out to our members.

None of what was accomplished this summer would have occurred or been as successful without the generous contributions in time and effort made by our members and others. A special shout out to former MASE President Scott Hare, who eagerly volunteered his time in the presentation to the BOT. We need you and other members this year to contribute of your time and expertise. Please stand up for MASE and the students that we serve. We will be better for it and you certainly will be, as well. ●

MASE IMPACT

Fall 2016

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

Executive Director

John Klaber

Our Children Are Watching from page 1.

abilities are embraced and celebrated. As we move into the school year, engagement with students and families focused on creating relationships that are authentic will be the foundation that supports learning and ongoing success for all students.

As leaders in Special Education, we are constantly leading the work of ensuring equity for all. Given our current societal realities, this work is even more important, especially for our students of color. As we lead the work of equity for all, we must remain keenly focused on the students impacted most significantly by the current educational and resource disparities. Equipped with an awareness of the narratives they have been told, we are now able to participate in the creation of a new narrative of promise, success and hope. We need to remember: Our children are watching. ●



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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.

2016-17 MASE Committees

The 2016-17 MASE Committees have been announced!

You can find a full listing of the committees at www.mnase.org/committees.

Committee meeting dates will be announced shortly!

Email dchristians@mnasa.org if you have any questions.

REGISTER TODAY!



2016 MASE Fall Leadership Conference

October 26-28, 2016
Cragun's Resort, Brainerd
www.mnase.org

Have You Moved?

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 email 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.

Are You Receiving Our Communications?

Let us know if you are not receiving any of our following publications:

- Weekly eUpdates
- General emails
- Quarterly newsletter
- Members Only website passwords

Please contact us at members@mnasa.org.

SAVE THE DATE!

Booth Law Group 2017 Regional Special Education Law Conference



SPECIAL EDUCATION LAW & LEADERSHIP

March 15-16, 2017 • Earle Brown Heritage Center • Minneapolis, MN

2016 CONFERENCE TESTIMONIALS:

"I live four hours away but stayed until the very end because I was so engaged and learning the entire day!"

"The variety of sessions was excellent! Food, beverages and massages were great!"

"The most relevant and applicable conference I have been to!"

"Each speaker was so passionate and full of energy."

"I loved all the networking opportunities!"

"The Conference was indeed EXCELLENT! I look forward to attending the conference next year and gaining more pertinent information for our ongoing practice of educational equity and inclusion."



LEGISLATIVE *update*

It's been a busy summer with a variety of education-related task forces hard at work fulfilling the work they have been assigned by the legislature. MASE has a panelist on the Student Discipline Working Group that will be developing recommendations on issues surrounding student discipline and the suspension process. Given several high profile incidents involving students in the past year, the legislature devoted a considerable amount of time discussing how to ensure student and staff safety in a manner that does not needlessly suspend students. Those in the special education community realize how complicated the suspension and expulsion process can be and it is good that MASE is represented on this panel. Up to this point, the group has been spending its meeting time understanding the nuances of the Pupil Fair Dismissal Act and combing through numbers related to a variety of student discipline practices (in-school suspension, suspension, expulsion). The group is slated to meet throughout the fall and will present its recommendations to the legislature early in the 2017 Legislative Session.

There is a legislative task force meeting on Minnesota's teacher licensure system and it will also be providing recommendations to the Legislature early in 2017. The primary focus of this group is to develop ways to implement the findings of the 2016 study performed by the Office of the Legislative Auditor. The primary focus of that report was to find a way to house all of Minnesota's teacher licensure duties in one office, either in the Minnesota Department of Education or the Minnesota Board of Teaching. Currently, duties are split—often in a confusing manner—between these two entities. The task force has also been looking at the duties of the Minnesota Board of School Administrators to see if it would be practical to include the duties performed by that body in a single board or agency. The task force may also be looking at some of the more glaring licensure problems that exist in the system and given the shortage of special education teachers in Minnesota, MASE will certainly be taking part in any discussions relating to that task.

MASE has been working throughout the summer to alter the current ABS licensure system. When the ABS license was created, the renewal process that accompanied the license required anyone holding the license to perform master's level work in order to keep the license current. This has caused a variety of problems. First, the cost of master's level classes necessary for a student to renew the license after its five-year term are higher than it would be for other licenses. With so many students carrying a high

level of student debt and teacher salaries not being that high for beginning teachers, this puts a lot of talented instructors in a difficult position to maintain an ABS license. In another unfortunate effect of the license, seeing that it requires master's level courses for renewal, higher education institutions have been eliminating their bachelor's level programs in a number of disability categories. This only serves to exacerbate the teaching shortage across a number of special education license areas. Moving forward, it is of the utmost importance to make the ABS license a permanent license, which will hopefully keep more teachers in the field and also provide an incentive to colleges of education to bring back the bachelor's level programs in mild-to-moderate disability categories.



Brad Lundell
MASE Lobbyist

Seeing it is an election year, I would be remiss not to remind all of you to get out and meet your legislative candidates this fall. The campaign season can be a great time to introduce yourself to candidates (remember, one of the candidates running will become a legislator) and establish yourself as someone with expertise that can be helpful to them in St. Paul.

And always remember that I am available to MASE members for regional meeting presentations and to field any questions you might have about MASE's activities at the Capitol. I can be reached at lundelllegislative31@gmail.com or 612-220-7459. ●

2016-17 MASE New Leaders Cohort

The MASE New Leaders Cohort is a series of professional development workshops that provide opportunities for:

- newly employed Minnesota special education directors to explore the basic information needed for a successful first year
- mid-level leaders to enhance leadership skills either in preparation for advancement in leadership or for general skill development
- "newer" leaders who wish to refresh their training

Registration is still open!
Go to www.mnase.org for more info!



**2016 MASE Fall
Leadership Conference**
Wednesday-Friday
October 26-28, 2016
Cragun's Conference Center, Brainerd
Registration information at www.mnase.org

As education leaders, we know that our students learn best in an environment that includes successful, supportive relationships. Through social and emotional learning, our students gain the knowledge, skill, and perspective that helps them develop those relationships, manage their emotions, express empathy, and envision and achieve academic and personal goals. This is critical to success in the classroom as well as at home and in the wider community, and paves the way for success in life. Join your colleagues this fall and learn how leaders develop and enhance effective school systems supporting social emotional learning for all students.

Conference Highlights

Our Wednesday evening speaker is, **Shannan Paul**, who will be presenting "*Cultural Sensitivity for the Accidentally Insensitive.*" After the keynote speaker join us for the Wine Tasting event benefiting MNSSELF.

Thursday morning's keynote speaker, **Dr. Clay Cook**, will examine the relationship between mental health and academic outcomes and describe how systems can be developed to support resilience, well-being, and success for students and the adults who serve them.

On Friday morning, **Peg Portscheller** will explore how the mental health of the adults in schools also impacts that learning and how we as leaders can address needs and maintain focus on student needs in her presentation, "*How Adult Mental Health Impacts School Climate.*"

On Thursday morning and afternoon, individualize your professional learning by attending a variety of **breakout sessions.**

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.

There's an app for this! Our conference app provides many great features for participants to personalize their conference experience including: program information, personal profiles, announcements, exhibitor details, and audience feedback. Our app will work with smartphones, tablets and laptops so BYOD (Bring Your Own Device)!



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 MNSSELF.

Our theme for the Wine Tasting this year is "All Together Now – A Concert of MASE Music" so think about your favorite musical group, no matter the genre or era, and get ready to sample your favorite beverages, all to support MNSSELF. Our MASE Areas will once again sponsor tables and our theme this year invites the regions to show off their best impressions of their favorite musicians through their table theme. All of our MASE Music Fans vote for their favorite table, and the beautiful (oo-ahhhh) MASE traveling trophy is at stake! Shop 'til you drop during Thursday's Silent Auction. Bidding will be open all day, closing at 5 pm.

Karen Filla Receives 2016 MASE Legacy Award

MASE has named Karen Filla, Director of Student Services of Roseville Area Schools, as the recipient of the 2016 Legacy Award. Filla has received this award for her commitment to encouraging, developing and mentoring leaders who reflect the MASE mission. She will be honored for the Legacy Award at a statewide recognition ceremony during the MASE Fall Leadership Conference, October 26-28, 2016, at Cragun's Conference Center in Brainerd.

"Karen has demonstrated a lifelong commitment and passion to servant leadership in a variety of positions. She is a visionary leader who exemplifies a strong moral compass based on ethical principles and beliefs," said Jan Ormasa, Education Consultant and MASE Retiree Member. "Karen demonstrates the vision for an inclusive society that serves all children in equitable systems. She is always striving to build trusting relationships with students, parents, teachers, administrators, and leaders to serve students with disabilities and their families.

Filla has been an active member of MASE, serving as Treasurer, Board Member, and Legislative Subcommittee Chair. In 1991, Filla and Denny LaRocque, former Director of Special Services at Bloomington Public Schools, created the Stenswick/Benson Scholarship. The scholarship recognized the legacy of leaders within special education as represented by Ellsworth Stenswick from Bloomington and Loren Benson from Hopkins, both considered special education pioneers. Filla received the 1998 MASE Leader of Excellence for Special Education in honor of her concern for students with disabilities and their families, and her active involvement in professional and community affairs.

Prior to her time at Roseville Public Schools, Filla served as an Elementary Classroom Teacher and Special Education Teacher at St. Louis Park Public Schools; Assistant Director and then Director of Special Services at Hopkins Public Schools; Interim Special Education Coordinator in the Osseo Public Schools; Associate Program Director, Masters of Arts in Education and Cohort Advisor/Graduate School – Education Administrator Licensing at Saint Mary's University; Director of Student Support Services at the Eden Prairie Public Schools; And a School Board Member for the Intermediate School District 287 representing Minnetonka Public Schools. Filla was also the first Executive Director for the Minnesota Board of School Administrators (BOSA) in an inaugural role wherein the governance was moved from the Minnesota Department

of Children, Families, and Learning to a representative body of school administrators.

Filla received a Master of Arts in Educational Psychology from the University of Minnesota, Twin Cities, and Bachelor of Arts in Elementary Education from St. Cloud University.

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. ●



Karen Filla
Director of Student Services
Roseville Area Schools

Save the Date!

*MASE Day at the Capitol
Thursday, March 2, 2016*

The day will begin with a 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!

More details to be announced shortly!

2016-17 *board of directors*

Meet your 2016-17 MASE Board of Directors!

President

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Even Year Election (14-18)
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Area B (Region 7)

Odd Year Election (16-17)
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Area C (Region 4)

Even Year Election (16-18)
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Area D (Region 5 & 6)

Odd Year Election (15-17)
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Area E (Region 3)

Even Year Election (16-18)
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Odd Year Election (15-17)
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Area F-2 (Region 1)

Even Year Election (16-18)
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Odd Year Election (13-17)
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Area H (Region 9W)

Even Year Election (16-18)
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Retiree Representative

Odd Year Election (15-17)
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Other Representatives:

MNCEC Liaison (ex officio)

Odd Year Election (13-17)
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Odd Year Election (15-18)

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16-17 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.

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Teresa Ostlie

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What I Learned During 40 Years of Service

In the Beginning:

As I drove the 200 miles east to Aberdeen, I can still vividly recall the emotions I was feeling at the time – partly apprehension and outright fear and partly anticipation with a sense of excitement. You see, all special education administrators were summoned by the State Department of Education to learn specific details of a new Federal law that would be taking effect within the next two months entitled P.L. 94-142 – Education for All Handicapped Act. My existing world of special education leadership changed immensely on that day. How would we ever be able to implement so many programmatic changes with so many due process procedures within the required timeline? How would we even begin to measure the appropriateness and quality of the individual student educational plans that were now required? I could go on and on about all the questions that popped into my mind as I drove back from that meeting in the fall of 1975. As the months passed, I learned a tremendous amount about leadership, program development, program management, and of course staff development. Progress did not come easy as one can imagine, and it required significant persistence and patience as we transformed our practices to fulfill the new legal requirements. The field of special education has continually changed and evolved over the past 40 years, and the leaders in the field of special education have needed to do the same.

The Original TSES Project:

In 1984 I was fortunate to be offered a special education director position in fairly large northern Minnesota cooperative. Although Minnesota was still struggling accepting the idea of mandated Birth to Three services, there were so many positive initiatives happening for students with disabilities in the Minnesota school systems that South Dakota just did not have the resources to implement. As I began my involvement with MASE, one of the reoccurring discussion and debate topics focused on how MASE and MDE could work together to prepare a special education operational system which would be used by all Minnesota school districts to guide special education services. As a result of these discussions, MASE hosted the TSES Project and hired a consultant by the name of Donna Ford-Vierow, to facilitate the development of the first TSES. A task force committee was developed for the project work, and this task force was representative of all stakeholders, including special education directors, elementary and secondary principals, state department staff, higher education institutions, and advocacy agencies. Finally, we had a written and formal document which tied all statutes, rules, and procedures from both state and federal level to guide our services and practices. If only it were that simple!!!! On the contrary,

we all know that our positions and our daily practices depend on much more than merely abiding by such a document. We live in an ever-changing, very detailed and technical profession which requires us to constantly be on our toes and make decisions based on both risk and reward.



Keith Erickson
Retired Director of Special Services
Albert Lea Area Schools

A Few Thoughts On Leadership Style:

As a “leader” in special education, we all know that leadership style is very situational and is constantly changing based on the specific circumstances being faced. That said, in the mid-1990’s I was introduced to a professional reference by Dr. Bruce Miles entitled, *The Leader’s Window: Mastering the Four Styles of Leadership to Build High-Performing Teams* (Beck and Yeager). For the past 20 years, the information and insights provided in this reference have continuously guided me. If you have not taken the time to read this book in your professional career, I would encourage you to do so. If you have already read this book, I would encourage you to pick it up again to review, as each time I do I learn more about myself and the actions that I have taken or that I need to take in a specific current situation.

The authors describe four specific quadrants/windows in which leaders operate. In some situations (style 1), a leader needs to specifically “direct” the work at hand. In this quadrant, you make decisions on your own and without input from others. You direct what you need to have done, how you want it to be done, and why it should be done in a particular manner.

What I Learned continued on page 14.

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Service Animals in School: Frequently Asked Questions

What does the Americans with Disabilities Act require from schools regarding service animals?

Generally, schools are required to modify their policies, practices, or procedures to permit use of a service animal by an individual with a disability. 28 C.F.R. § 35.136. In *Pasadena (CA) Unified School District*, the Office for Civil Rights underscored that it is a violation of the Americans with Disabilities Act (“ADA”) for districts to maintain policies prohibiting service animals, or leading parents, students, or the community to believe that service animals are not welcome at schools. 60 IDELR 22 (OCR 2012). In fact, it is recommended that each school district adopt a policy that permits disabled individuals to use service animals on school district property or when attending school district programs, subject to the exceptions set forth in federal regulations.

A school district is not responsible for the care or supervision of the service animal; the animal’s “handler” is responsible for such tasks. 28 C.F.R. § 35.136(e). That being said, at least one federal court recently held that schools are required to provide support for disabled students to act as a service animal’s handler. *Alboniga v. School Board of Broward County Florida*, 87 F.Supp.3d 1344 (S.D. Fla. 2015). In that case, the court held that the school must allow a wheelchair-bound, severely disabled student to be accompanied by a service dog. The district argued that it was not required to allow the service dog at school because the student lacked the means to control the animal and because school personnel would be required to take over certain aspects of the dog’s daily care and supervision, by taking it out to urinate. The court rejected these arguments, holding that tethering the dog to the student’s wheelchair was a form of control because the dog was very well trained and stayed by the student’s side throughout the day. The court further held that assisting the student to take the dog out once a day to urinate did not impermissibly require the district to provide for the dog’s care and supervision. Rather, the court stated that such assistance was a reasonable accommodation provided to the student to enable him to take advantage of his service animal.

What animals qualify as service animals?

By definition, a service animal means “any **dog** that is trained to do work or perform tasks for the benefit of an individual with a disability.” 28 C.F.R. § 35.104 (emphasis added). There are no breed restrictions limiting which types of dogs can be service animals. In fact, one case required that a city provide an exception to its pit bull

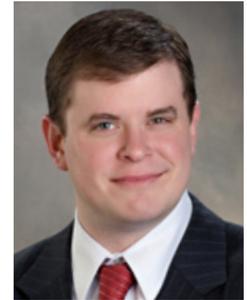
ban to allow a disabled veteran to keep his pit bull, which was individually trained to perform tasks to assist him. *Saks v. City of Aurelia, Iowa*, 832 F.Supp.2d 1026 (N.D. Iowa 2011).

Guidance from the United States Department of Justice (“DOJ”) reaffirms the Saks decision.

Comments to the ADA regulations provide that, “if an individual uses a breed of dog that is perceived to be aggressive because of breed reputation, stereotype, or the history or experience the observer may have with other dogs, but the dog is under the control of the individual with a disability and does not exhibit aggressive behavior, the title II entity cannot exclude the individual or the animal from a State or local government program, service, or facility. The animal can only be removed if it [is not housebroken or if it is out of control] or if the presence of the animal constitutes a fundamental alteration to the nature of the service, program, or activity of the title II entity.” 28 C.F.R. Pt. 35, App. A.

Is there a difference between a service dog and a therapy dog?

Yes. A service animal is not a companion animal or therapy dog. In order to be a service animal, the animal must be individually trained to perform work or tasks directly related to the individual’s disability. 28 C.F.R. § 35.104. Such tasks may include assisting an individual who have low vision with navigation, pulling a wheelchair, alerting to the presence of allergens, and preventing or interrupting impulsive or destructive behaviors. *Id.* The “crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks” for purposes of the ADA. *Id.* “[U]nless the animal is individually trained to do something that qualifies as work or a task, the animal is a pet or support animal and does not qualify for coverage as a service animal. A pet or



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support animal may be able to discern that the individual is in distress, but it is what the animal is trained to do in response to this awareness that distinguishes a service animal from an observant pet or support animal.” 28 C.F.R. Pt. 35, App. A.

That being said, districts must be mindful of other statutes that may permit an individual to have a therapy dog at school. An IEP, for example, may contain a provision allowing the student to have a therapy dog at school. In that case, the district would have to analyze the student’s use of the therapy dog under the IDEA, regardless of whether it qualifies as a service dog under and the ADA. Similarly, allowing a therapy dog in school might, in some cases, be considered a reasonable modification under Section 504, or a reasonable accommodation under other provisions of the ADA or the Minnesota Human Rights Act.

What About Miniature Horses?

While the definition of “service animal” only includes dogs, the ADA regulations also state that “a public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.” 28 C.F.R. § 35.136. Because they are only required to make “reasonable” modifications to permit the use of miniature horses, school districts have somewhat more flexibility to exclude miniature horses than they do service dogs.

The DOJ has issued guidance for determining whether the use of a miniature horse constitutes a “reasonable” accommodation. Specifically, school districts must consider the type, size, and weight of the miniature horse and whether the facility can accommodate these features, whether the handler has sufficient control of the miniature horse, whether the miniature horse is housebroken, and whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. 28 C.F.R. § 35.136(i)(2)(i)-(iv). These factors must be considered on a case-by-case basis.

What questions may a school ask or regarding an individual’s request to use a service animal?

The ADA regulations limit public entities considering a request for a service animal to two questions. Specifically, a public entity may only ask: (1) if the animal is required because of a disability; and (2) what work or task the animal has been trained to perform. 28 C.F.R. § 35.136(f). Nevertheless, if it is readily apparent that an animal is trained to do work or perform tasks for an individual with disabilities, a public entity may not make the aforementioned inquiries. *Id.* For example, if a dog

is providing assistance with stability or balance to an individual with an observable mobility disability, a school employee may not ask about the existence of a disability or the task the dog has been trained to perform.

A school may not request or require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. 28 C.F.R. § 35.136(f). There is no legal requirement that the service animal be professionally trained or certified to be classified as a service animal.

When can a school exclude a student’s service animal?

There are limited circumstances in which a school may lawfully exclude a service animal. First, a school may exclude a service animal when an animal is out of control and the handler does not take effective action to control it or if it is not housebroken. 28 C.F.R. § 35.136(b). To be “under control,” the law requires that a service animal have a harness, leash, or other tether, unless the handler’s disability or the tasks the animal performs do not permit it. 28 C.F.R. § 35.136(d). For example, if an individual’s disability is such that he or she cannot hold a leash, the animal must still be in the handler’s control whether that is by vocal cues, signals, or other effective means. *Id.*

Practically speaking, these exceptions do not appear to have been intended to be strictly applied. The DOJ has stated that the fact that an animal has an “accident” does not automatically mean that it is not housebroken. Similarly, the DOJ has opined that school districts must give a handler a reasonable opportunity to regain control of an animal that misbehaves or responds reasonably to disruptive or aggressive behavior by others in the school setting. Given these examples, a school district should be wary of excluding a service animal for an isolated incident of misbehavior or an isolated accident.

A school may also exclude a service animal if it presents a direct threat to the health or safety of others. 28 C.F.R. § 35.139(b). This exception is often invoked when other students in the classroom are allergic to dogs or are afraid of dogs. Before excluding an animal based on a direct threat, however, the school “must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence.” 28 C.F.R. § 35.139(b). The school must ascertain “the nature, duration and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or service will mitigate the risk.” *Id.*

This exception has been interpreted narrowly. For instance, in *Kalbfleisch ex rel. Kalbfleisch v. Columbia Community Unit School District Unit No. 4*, parents

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RESEARCH TO *practice*

What's New at CAREI for the 2016-17 School Year?

On behalf of the Center for Applied Research and Educational Improvement (CAREI), welcome back to the start of another school year! Whether you are just beginning your career as a school administrator or are a seasoned veteran, the start of a new school year is always an exciting time filled with new opportunities and challenges. For those of you who are not familiar with CAREI, we are a research center that serves as the link between research and practice in Minnesota schools PreK-16 and other agencies interested in applied educational research. CAREI partners with local, state, and national service agencies and policy makers to improve outcomes for all learners. We have set an ambitious goal that we want our services to impact 80% of school districts within three years! The 2015-16 school year was an exciting year for CAREI! Here is a look back at what we accomplished "by the numbers":

- 43 [districts](#)¹ joined the CAREI Assembly
- 4 CAREI Assembly meetings were held with a 96% satisfaction rating.
- 175 people attended CAREI Assembly meetings in person.
- 60 people attended CAREI Assembly meetings via Webex.
- 1 [Standards Based Grading Literature Review](#)² was written and disseminated to CAREI members.
- 1 [math resource guide](#)³ was developed and disseminated to CAREI members.
- 1 [Statewide Needs Assessment](#)⁴ on research, evaluation, and assessment was completed and disseminated statewide.
- 13 presentations were given to professional organizations about the importance of research, evaluation, and assessment.
- 8 Research Watch electronic newsletters were disseminated and opened 848 times throughout the year.
- 1 Twitter account (@CAREIUMN) created with 32 tweets.
- 10 CAREI [affiliates](#)⁵ were added.
- 2 bills were authored in the MN Legislature to provide funding for statewide technical assistance in the areas of research, evaluation, and assessment.
- 1 bill [#3275 \(Dahle\)](#)⁶ received a hearing (also see: [slides](#)⁷ & [one-pager](#)⁸).
- 14 new external sales projects were awarded.

Statewide Needs

The basis for much of our work last year and moving into future years was the completion of a Statewide Needs Assessment focusing on research, evaluation, and assessment.

A large percentage of survey respondents indicated **their school's or district's capacity to effectively use data to guide educational decisions was fair or poor**. Despite substantial motivations and efforts to use data, most educational systems in Minnesota lack the capacity to meet their own needs for data-based decision making. In addition, those who responded to the interviews and surveys consistently indicated a lack of resources and expertise to support their efforts. To truly leverage state and local investments,

professional educators require infrastructure to build capacity and efficiencies to use data that improve educational outcomes. Historically, CAREI coordinated with educational agencies located in the twin cities metropolitan area. The proposed solution will expand the mission and accessibility of CAREI. It will provide resources to policy makers and educational agencies throughout the state; especially those in **rural and high need communities** who were historically underserved. CAREI will enable the use of evidence and data at all levels of the education system and foster high-value partnerships. In its expanded role, CAREI will continue as an impartial and independent hub for applied research and educational improvement. It will bring others together to define their values, goals, objectives, policies, and programs. It will provide services and resources to facilitate high quality research, evaluation, and assessment practices among its partners.

The Importance of Evaluation in Education

One finding from the needs assessment was that 51% of administrators rated their capacity to evaluate policies and programs as poor. High-quality program evaluation was rated as infrequent due to lack of time (78%), inadequate staffing/expertise (63%), and cost (53%). Why is evaluating programs and policies so important? The answer is fairly simple – to determine whether the program or policy had the intended effect in order to guide decision-making. Large-scale evaluations in education help us improve policy. Smaller-scale evaluations at the local level help guide decision-making and allocation of resources based on outcome data. Learning how or why a policy or program does or does not work is central to program improvement.

These days, we have a tendency to want a quick turnaround on data to answer our questions. Most people want to conduct program evaluations quickly and with minimal expense. However, in education, quicker isn't always better. We need to consider the logistics of the program to be



Kim Gibbons
Associate Director
Center for Applied Research
and Educational Improvement

What's New at CAREI continued on page 13.

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studied and what we hope to learn. Many educational programs or frameworks are multi-faceted and complex and require several years of implementation before all of the components are fully implemented. In addition, sometimes new programs take time to achieve the desired outcomes. That means that we need to collect data, often from multiple sources, over an extended period of time. Yet, educators can be impatient. The field of education has a long history of "swinging pendulums" –adopting new programs and practices one year and abandoning them after a year or two of implementation to move on the next "educational fad." The result is that programs are not given enough time to demonstrate the intended results, and staff suffers from "initiative fatigue."

What's the solution to the swinging pendulum of initiatives? Program evaluation is often used as part of implementation science. Implementation science is the study of methods that influence the integration of evidence-based interventions into practice settings. Implementation science helps answer the following questions. Why do established programs lose effectiveness over days, weeks, or months? Why do tested programs sometimes exhibit unintended effects when transferred to a new setting? The real message around implementation science is that effective intervention practices or models coupled with ineffective or inefficient implementation will result in ineffective, unsustainable program and outcomes! Implementation science focuses on stages of implementation over time and implementation "drivers" that provide the infrastructure needed for effective implementation that support high fidelity, effective, and sustainable programs.

CAREI uses an implementation science framework to assist districts in program evaluation efforts. Districts who belong to the CAREI District Assembly have access to four, high-quality professional development and networking sessions per year with either on-site or remote access. Along with discussing and disseminating applied educational research across a variety of important areas, we intend to focus on program evaluation in the upcoming year to build capacity within our member districts. For more information on CAREI or joining the CAREI District Assembly, please visit our new website at www.cehd.umn.edu/carei/. Please contact me at kgibbons@umn.edu if you want more information about CAREI or if you have certain topics you would like covered in future newsletters! ●

Related Links:

1. www.cehd.umn.edu/carei/assembly/member-districts.html
2. https://drive.google.com/file/d/0B_KVqfYZXywdSGRIRVpJSEsIM28/view
3. https://drive.google.com/file/d/0B_KVqfYZXywdS2drcEFYa2F5M-mdHMU9EdmNTZmdDbUYzWfJj/view
4. <https://drive.google.com/file/d/0B6xTvnFr2KjaUGtqTTZnTF9vendsSUVtb-m4yNlhaa3paNk5z/view>
5. <http://www.cehd.umn.edu/carei/people.html>
6. http://mnsenate.granicus.com/MediaPlayer.php?view_id=1&clip_id=353
7. <https://drive.google.com/file/d/0B6xTvnFr2KjaNjBnbGxiQzF0bjZqdWxl djlx-WXlxY0IGVIB3/view>
8. <https://drive.google.com/file/d/0B6xTvnFr2KjaZk9HLU5wRnROSEpfRV-V4dHhMRk4zd1gwWjdr/view>

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of an autistic student sued the school district after it denied their request that the student's service animal accompany him at school. The student's parents testified that separating the student from his service animal adversely impacts their working relationship, making the service animal less effective in performing its tasks. The school argued that it could not accommodate the parent's request because the service animal would be a distraction at the school and that another student had a severe lung condition and could not be exposed to animals. The court ordered the district to allow the service animal at school, but gave the school time to determine how to accommodate the service dog and the student with the lung condition. As this case shows, schools likely face an uphill battle if they attempt to categorically bar service animals based on allergies or other health concerns. Instead, the school will need to consider its ability to accommodate all students affected.

When a school district properly excludes an animal under one of the above grounds, the school district must still give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on school district property. 28 C.F.R. § 35.136(c).

Can a school district charge fees related to allowing service animal access?

No. A public entity "shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets." 28 C.F.R. § 35.136(h). However, if a public entity normally charges individuals for damage they cause, the entity may also charge for damage caused by a service animal. Id. ●

Have You Renewed Your MASE Membership?

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

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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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CAREI

Eide Bailly LLP

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Robert W. Baird & Co., Inc.

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

Speech Partners

Strategic Staffing Solutions

Transition Assessments and Curriculum

TSP Architects & Engineers

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Voyager Sopris Learning

What I Learned from page 9.

Operating in the (style 2) window, the leader focuses on "problem solving" by involving others in your responsibilities and making decisions based on input received from others. You seek input to analyze and solve the problem at hand.

If a leader feels confident and trusts that others are able to take the lead on an issue, the leader assumes the "developing" (style 3) role by supporting those people by helping them think through the problem and by asking questions to help them analyze and solve their own problem. I see this quadrant to be very similar with concepts and tenets of the Instructional Cognitive Coaching model.

The fourth and last quadrant/window (style 4) allows the leader to assume a "delegating" role by letting others make decisions on their own with little to no involvement on your part except for briefings and updates.

Back to my earlier comments regarding leadership being highly situational - depending on the situation and the people involved in that specific situation, the leader must decide which style he/she wishes to use to achieve the best or most effective outcome. Therefore, in my humble professional opinion, to be an effective leader

one does not operate in one specific leadership style, but rather one employs each of the windows as the situation requires.

What Really Matters?

Over the years I have learned a few things which tend to guide my daily practice –

Personal communication is THE key to effective leadership.

Integrity above all else.

Establish and maintain genuine relationships with colleagues, parents, and staff.

Always give praise for a job well done – do not forget to celebrate successes.

Collaboration with others is the best and only way to solve today's complex issues.

Be a visible and accessible leader – an open door philosophy is a necessity.

Be an advocate in the best sense of the word to those we serve.

It is wise to establish lists and action plans for each work day, but do not be surprised or disappointed when the

What I Learned continued on page 15.

MASE CALENDAR

2016

October 26

New Leaders Cohort
Cragun's Conference Center, Brainerd

October 26-28

MASE Fall Leadership Conference
Cragun's Conference Center, Brainerd

November 16

New Leaders Cohort
Cragun's Conference Center, Brainerd

November 16-18

Curriculum Leaders of MN (CLM) Conference
Cragun's Conference Center, Brainerd

November 18

Special Education Advisory Panel
9 am, Conference Center A, Room 13
Minnesota Department of Education, St. Paul

December 7-8

New Leaders Cohort
Radisson Hotel, Roseville

December 8

MASE Board of Directors Meeting
MASE Offices, St. Paul

December 9

Special Education Directors' Forum
9 am, Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

2017

January 20

Special Education Directors' Forum
9 am, Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

What I Learned from page 14.

end of the day comes and you have not accomplished anything you planned to do that day.

Stay committed to do whatever is needed to do the job, but also understand that family is the most important factor in this world.

Give prudent thought to which battles are really worth the fight as it is much more worthwhile to reach compromise, if at all possible, for effective resolution.

As my former superintendent always said, "We must expect the best, first and foremost do what is best for kids, and always do the right thing."

We, as special education administrators, have the opportunity to network with each other on so many occasions and so many different levels. I cannot begin to relate the value I have seen from being active in the MASE organization at the state level, in our regional/area directors group activities, and through our MDE sponsored Director's Forum meetings. Being a special education administrator is not an easy job. One must

March 2

MASE Day at the Capitol

March 3

Special Education Directors' Forum
9 am, Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

March 9-10

MASA/MASE Spring Conference
Marriott NW, Brooklyn Park

March 24

Special Education Directors' Forum
9 am, Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

May 3

New Leaders Cohort
Madden's on Gull Lake, Brainerd

May 3-5

MASE Best Practices
Madden's on Gull Lake, Brainerd

June 15-16

MASE Board Retreat
Crowne Plaza Minneapolis West, Plymouth

September 8

Special Education Directors' Forum
9 am, Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

October 25

MASE Board of Directors Meeting
Cragun's Brainerd

October 25-27

MASE Fall Leadership Conference
Cragun's, Brainerd

December 8

Special Education Directors' Forum
9 am, Conference Center B, Rooms 15 and 16
Minnesota Department of Education, St. Paul

stay connected with fellow colleagues to share the challenges, the accomplishments, to brainstorm ideas, to problem solve, and of course, to relax and unwind. I wish all of you nothing but the best in the future." ●

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