

Iowa Special Education Advisory Panel

April 7, 2017

Facilitators: Nancy Ankeny-Hunt

Panel Secretary: Cayanna Reinier

Present: Valerie Baker, Craig Barnum, Carma Betz, Kurtis Broeg, Kate Cole, Jan Collinson, Billie Cowley, Margaret Joan Ebersold, Susan Etscheidt, Amy Liddell, Larry Martin, Melanie Patton, Beth Rydberg, Mary Stevens, Kelly Wallace, Kenda Jochimsen, Joel Weeks, Doug Wolfe, Ruth Frush, Karen Thompson

Department Staff Present: Barb Guy, Nancy Ankeny-Hunt, Cayanna Reinier, Jim Flansburg, Thomas Mayes, Brad Niebling,

Presenters: Thomas Mayes, Shanlyn Seivert, David Tilly, Barbara Ohlund

Not Present: Jan Collinson, Billie Cowley, Donita Dettmer, Aryn Cruse, Joseph McAbee, Christina McFadden, Amy Petersen, Erin Torruella, Kathleen Van Tol, Jason Yessak, Ruth Frush, Julie Aufdenkamp, Sandra Smith,

Opening/Minutes

Mary Stevens motions to start the meeting, Karen Thompson seconds; the meeting began at 9:10.

Doug Wolfe motions to approve the minutes from January 6, 2017, Melanie Patton seconds. Minutes are approved.

It is that time of year again where we are looking for new members. Currently there are seven opening and we have eight new applications. Joel Weeks and Mary Stevens will help Craig review the applications. This will allow us to make sure we are achieving our membership requirements and we are staying in line with those. The application is online and will be open until May 1st.

We also are taking nominations for a vice-chair. Margaret Joan Ebersold, nominates Kathleen Van Tol and she accepts. If you have any other nominations please email Nancy and we will vote on it at our May meeting.

Graduation Requirements – Guidance

[Grades, Diplomas and Transcripts](#)

[Grade, Diplomas and Transcripts Guidance](#)

The document Grades, Diplomas and Transcripts was released in 1999. As you look through this most of the guidance and questions/answers still hold true. As we updated this document we added a column for questions; a column giving the short answer from the 1999 to the questions; and a third column that explains if the answers to the questions from 1999 (in the middle column) stays the same as well as any other further explanation if needed.

Question on #8 – A student may receive a grade reduction base on attendance? Is this true? The guidance is looking as excused vs. unexcused absences; whether make up work is in on time and in a reasonable about of time. For a student who has a disability or illness that causes them to miss a number of days or

classes, discussion between the IEP team and the parents should occur to determine a reasonable amount of time for the makeup work to be turned in. It really is a case by case basis. The question only specifies attendance, and not work completed. Is this question really attendance or is it work completed? This is something that we can adjust in the heading.

Question on #10 – Can a student on an IEP be ineligible for extracurricular activities base on grades? Children with disabilities can become ineligible by not making adequate progress towards goals; what does it mean to make adequate progress towards goals – this is determined by school officials. Can they retroactively change the goals so they can meet them and be eligible? No you cannot retroactively change an IEP.

The second way they can become ineligible is if the course with the failing grade has no correlation with the IEP. For instance if a student is failing Math and their only IEP goal is for speech, her math grade has nothing to do with her IEP and therefore she would be ineligible due to her math grade.

On question #11 - we have the most significant change coming based on how we have interpreted law in the past and how we are going to be interpreting law in the future. We will talk about the specifics of it next week, but basically due to a letter from OSEP to the State of Louisiana, Thomas started reviewing our policies and our approaches and pointed out that in State code there is nothing written that will alleviate this requirement for students with IEP's. Due to that fact we have crafted some guidance around this but we do not want to unduly panic people who are scheduled to graduate this year. We will have further discussion with ISAB and ASI on how they are going to message this and then bring an update to the next SEAP meeting with the guidance and a plan on rollout.

Question on #15 – Why does is say “Please consult rule 41.320(2) for similar content?” If you look at the original document it is discussing a rule that no longer exists. The same content is embedded in the course of study requirement in the IEP.

Question on #16 – Is this referring to the 5th year senior programs? Yes; we need to make sure that the student is getting their needs met regardless of whether they met the 16 units for graduation. Has there been any movement from the fed on looking at cohort graduation rates and their relation to this? We understand the legal perspective but in reality this is only going to happen with parents that are very strong advocates. With that said I think we have some promise of it in the ESSA conversation and differentiated accountability.

Question on #18 and #19 – Do these refer to the classes? Can they not be identified as special education classes instead of modifications to a class? This goes back to the answers that go back into the document itself and is a patch until the final document is out. The asterisk on transcripts just let you know that modifications were made but they have to remain neutral on why those modifications were made.

Legal Updates

[Fry v. Napoleon Community Schools \(exhaustion\)](#)

[Andrew F. v. Douglas County School District RE-1 \(FAPE: **MUST READ**\)](#)

There are two cases we will look at today in decisions regarding IDEA (links above). First is the exhaustion case of Fry v. Napoleon Community Schools. The case looks at a family with a disability and her availability to have a trained service dog names Wonder assist her in her daily activities. The real issue in this case is that the parents did not go through the IDEA administrative process and went straight

to court claiming their civil rights. This is an exhaustion case; meaning that you must go through the administrative process before going to court. The Feds determined that neither were correct and that there is a close and tight standard between the IDEA core entitlement and the family's legal theory which created a gravamen. It was determined that everyone should not have to go through the administrative due process first; with that said that courts are not going to allow a civil rights pleading to skip the due process hearing. If there is a lot of overlap in the core purpose of the complaint and the core purpose of the IDEA then you must go through exhaustion; if there is not a lot of overlap you can go straight to court.

The second case is *Andrew F. v. Douglas County Schools*. This case is in regards to a child with autism who is not making adequate progress. The parents pulled the student out and enrolled him into a different school and sent the original school the bill for the new school. The issue is to receive tuition reimbursement you must prove that the school denied FAPE. The 10th circuit relied on guidance that if the school provided more than the minimum that is good enough. The parents argued for an outcome from an education opportunity that is substantially equal to the opportunities afforded to children without disabilities. The court's decision was unanimous as they rejected the 10th circuit decision, but they also rejected the parent's standard. The courts stated that they ruled on this in 1982; the statute hasn't changed, the definition of FAPE hasn't changed; therefore they ruled that a school district must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. This pivoted from an outlook standard to an input standard. A child's IEP need not aim for grade level if that is not a reasonable prospect. A child's education program must be appropriately ambitious in light of the child's circumstances. What is challenging for this student, yet feasible.

This is not different from when we started the secondary transition process and we were hearing that a lot of administrators were afraid to put things in the IEP because they felt if the students didn't achieve them there would be issues. We responded with if you follow the process, you identify the right things, and you provided those opportunities you will prevail if it goes to court. This is not guaranteeing that the goals are going to be effective but if you follow the process; you gave it to them, you adjusted when it wasn't successful, and readjusted if necessary, you still may not have achieved the outcome but you did everything you could to give the student those skills to get to that outcome.

Legislative Update

To view the Legislative Update document click [here](#).

SF 240 – Statewide Assessment – This bill requires the Iowa Department of Education to issue a new Request for Proposal (RFP) by July 1 to choose a new statewide assessment. The assessment that is chosen will be administered in the 2018-2019 school year. The bill passed the Senate and passed in the House Education Committee. It will most likely be debated on the House floor next week.

SF 475- This bill strikes the limit of the amount of students that can be enrolled at the virtual academy CAM and Clayton Ridge. It also allows for school districts to offer online courses as well. What that will look like we do not know right now; lots of question still remain as far as who will be doing the oversight, who is going to ensure the curriculum meets certain standards; these are things that will be figured out as we learn more about this. This bill has a lot of other things listed in there including dental and vision requirements, taskforces on AEA, open enrollment and extracurricular activity fees, as well as limitation of the Department of Education's guidance.

HF 564 and 565 – both are a flexibility bill allowing funds to be transferred into a flexibility account. HF 564 allows funds transferred to this account to be used for Professional Development, At-Risk and

Dropout Prevention Programs, Physical Plant and Equipment Levy (PPEL) and Preschool Foundation Aid Funding. HF 565 allows districts to transfer all or a portion of unobligated ending fund balances for programs including: Professional Development, Home School Assistance, Statewide Voluntary Preschool, and Gifted and Talented. Expenditures from the Flexibility Fund Account are required to be approved by resolution of the school board following a public hearing. The change would take effect beginning with the 2018-2019 school year.

SF455 - was designed to address inequities in district cost per pupil and transportation cost over a 10-year time span. This bill is a very logical bill because it is over a 10 year time span, but the first year alone is going to cost \$14 million dollars and it comes at a time where we already have made cuts and have an incredibly tight budget year. The total cost of the bill is estimated at \$203 million

HF 563 – This bill states that coaches who also have a teaching license must be trained on the defibrillator and CPR. It also outlines BOEE requirements, Iowa Athletic Association as well as the Iowa Girls High School Athletic Union in educating districts and schools about concussions, brain injuries, and return to play.

Every Student Succeed Act – Feedback

To view the ESSA power point click [here](#).

The Every Student Succeeds Act (ESSA) draft plan was posted on January 6, 2017 and it has received a lot of feedback. We are taking that feedback and the new guidelines into consideration as we update and change the plan. Currently the plan looks like:

- Foundation of the Plan
- Section 1: Long-term Goals
- Section 2: Consultation and Performance Management
- Section 3: Academic Assessments
- Section 4: Accountability, Support, and Improvement for Schools
- Section 5: Supporting Excellent Educators
- Section 6: Supporting All Students

The details we are providing in this plan to the feds is to give enough guidance and detail to see where we are going; but not so much detail that locks your plan into specific practices. This does not mean that we will not still be requiring at a state level specific practices.

The next draft will be posted in May sometime on the new template; we will then do another round of feedback, with our final plan and submission in September. Public input on the plan can be submitted through the ESSA online feedback form; through email; or traditional mail. We are asking that all feedback be in by August so there is enough time to review and make changes as needed.

The Collaborative Infrastructure of this plan included:

- Development
 - Refine
 - Pilot: Evidence-based practices
- Delivery
 - Training Cadre: are delivery and support personnel expert in systems, MTSS, reading, mathematics, behavior, and school improvement.

- Statewide School Improvement Team: part of the training cadre, and considered school improvement experts.
- Support:
 - Schools identified as:
 - Universal (Differentiated Accountability)
 - Supplemental (Differentiated Accountability)
 - Targeted (ESSA)
 - Schools identified as:
 - Intensive (Differentiated Accountability)
 - Comprehensive (ESSA)

Within this Collaborative Infrastructure we will provide support for

- Students
 - Offer and teach
 - Well rounded education for all
- Educators
 - Connecting professional learning to what we are doing as a system
- Schools
 - Healthy indicators
 - ESSA Measures
 - Common Tools
 - Technical Assistance
 - Action Plans

The major components of accountability, support and improvement for schools includes:

- Accountability Systems
- Identification of Schools
- State Support and Improvement for Low-Performing Schools
 - School Improvement Resources
 - TA regarding Evidence-Based Interventions
 - More Rigorous Interventions
 - Periodic Resource Review

Currently we get about \$100 million dollars a year as a State of Title I dollars. A vast majority of the dollars flow out to schools to help pay teachers' salaries, benefits and serve disadvantaged kids (typically teach math and reading). As a condition for the State to get and distribute those dollars we have to make some agreements on how we are going to be accountable for the dollars and results they are providing. The ESSA plan allows us to look at what didn't work and create a plan based of what we know works. With Title I we have to identify the lowest achieving 5% schools in the State. We have to tell the Feds: what are we going to measure; when are we going to measure; how are we going to identify and what we are going to do when we identify those schools in need.

The ESSA Plan allows us not only to look at data and educational areas but allows us to examine School Quality. This includes parents, students, teachers input about school safety, engagement, and the school environment as we know these topics play a big part of a school and a student's success. The Department created a survey called Conditions for Learning, which is part of the Iowa Youth Survey. The Conditions for Learning Survey is given to students, parents or guardians and educators so you are given three different perspective over the same topics. This allows us to look at what the students feel they need to be successful; while the parent and educators answers focus more on continuous

improvement conversations. This allows us to look at the differences and similarities and examine what we are missing to create a positive environment for students to learn in. Things the survey examines is:

SAFETY

- Physical Safety. The extent to which students are safe from physical harm while on school property.
- Emotional Safety. The extent to which students feel safe from verbal abuse, teasing, and exclusion.

ENGAGEMENT

- Diversity. The extent to which students and adults demonstrate respect for each other's differences (i.e., appearance, culture, gender, race, learning differences, etc.).
- Student-Student. The extent to which students demonstrate care for, respect for, and collaborate with one another.
- Adult-Student. The extent to which adults demonstrate care for students, respect for students, and acknowledgement of students' work.

ENVIRONMENT

- Expectations. The extent to which clear rules are delineated and enforced.
- Physical Environment. The extent to which the school facilities are adequate, clean, and up to date.

With the ESSA plan and Title I we have broken down the indicators we will be looking at to examine progress into Elementary/Middle School and High School. Indicators we will be looking at it:

- Elementary and Middle Schools
 - Academic Achievement (ELA and Math)
 - Academic Progress
 - Progress in Achieving English Language Proficiency
 - School Quality (Safety, Engagement, Environment)
- High Schools
 - Academic Achievement (ELA and Math)
 - Academic Progress
 - Progress in Achieving English Language Proficiency
 - School Quality (Safety, Engagement, Environment)
 - Graduation Rate (four-year adjusted cohort graduation rate and also an extended five-year cohort graduation rate)

For those schools that are considered low-performing we at the Department identify them as Targeted or Comprehensive. Targeted schools are Title I schools with one or more significantly underperforming subgroups. It is determined based on accountability data on a 3-year cycle. With targeted support we implement an action plan, require online modules to be complete, and assess technical assistance as desired. Comprehensive supports are the lowest 5% of the Title I schools; have a high school graduation at less than 2/3 of students; and like Targeted supports is determined based on accountability data on a 3-year cycle. Comprehensive support it is a bit more extensive and includes: technical assistance; required online modules; meetings with the training cadre; monthly action plan to review data; professional learning supports; district coach support; and summer institute. Both Targeted and Comprehensive are provided by a subgrant that is based on a formula to schools that submit acceptable improvement plans for not more than 3 years.

Supporting the educators is an important piece to this plan as well. The major components we will be focusing on is:

- Educator Development, Retention and Advancement
 - Certification and Licensure Systems
 - Educator Preparation Program Strategies
 - Educator Growth and Development Systems
- Support for Educators to include:
 - Resources to support state-level strategies
 - Skills to address specific learning needs
- Educator Equity.

Within the plan we will also work with universities, and with districts, to provide evidence-based professional learning opportunities to:

- Support principals, teachers, and school leaders in the effective implementation of MTSS, specifically in the areas of Assessment and Data-Based Decision-Making, Universal Instruction, Intervention Systems, Leadership, and Infrastructure.
- Continued professional learning and support may include any of the areas listed within 2103(b)(3), contingent on the number of districts with common needs identified as a result of MTSS implementation statewide.

We want to make sure we have a plan that is well-rounded and program specific with evidence-based programs supported by the State including:

- Multi-Tiered System of Supports
- Iowa Early Learning Standards and Iowa Core Standards
- Teacher Leadership and Compensation
- Early Literacy Progression
- Learning Supports
- STEM and CTE
- And we are committed to Local Flexibility to address local context and serve student needs

Special education is in every area of the ESSA Plan. Feedback we are getting from Special Education Advocates in Iowa is:

1. Encourage an emphasis on and use of funds for improving skills of teachers, principals and other school leaders in serving students with disabilities.
2. Include the alternate assessment in section 3. Academic Assessments.
3. Help us all understand how special education is represented in ESSA

More information can be found on the Iowa Department of Education's website: [ESSA FAQ](#)

If you have any questions or comments you can submit them to: ESSA@Iowa.gov

Next Meeting:

Tuesday, June 6, 2017

9:00 – 3:00

Grimes Building, ICN Room