



Special Education Advisory Panel (SEAP)

Annual Report

May 17, 2010

Developed by the Special Education Advisory Panel
for the Minnesota Department of Education

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PREFACE

The annual report of the Minnesota Special Education Advisory Panel (SEAP) is respectfully submitted to the commissioner of the Minnesota Department of Education (MDE). The reporting period is July 1, 2009, through June 30, 2010. The annual report is a summary of the panel activities and recommendations during the reporting period. SEAP provides a broad base of input to MDE staff regarding policies, practices and issues related to the education of children and youth with disabilities ages birth through 21, and advises MDE's Divisions of Special Education Policy and Compliance and Assistance on the education of children and youth with disabilities.

Duties

As established in accordance with 34 CFR 300.167-300.169 (2006), the Special Education Advisory Panel (SEAP) of the State of Minnesota must:

1. Advise the State Education Agency (SEA) of unmet needs within the state in the education of children with disabilities;
2. Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities;
3. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
4. Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act; and,
5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

Acknowledgements

MDE acknowledges and thanks the following staff for their contribution to this report:

Barbara L. Troolin, Ph.D. Director, Special Education Policy
Janet Dirkson, SEAP Chair, 2009-2010
Cindy Shevlin-Woodcock, SEAP Coordinator
Doug Gray, Communications Specialist

The SEAP is funded by federal funds obtained by MDE through Special Education — Grants to States CFDA 84-027A of the Individuals with Disabilities Education Improvement Act (IDEA 2004) and amendments thereto.

REFLECTIONS

It was a tremendous privilege to be chair of the Special Education Advisory Panel for 2009-2010. This diverse group of people, from many backgrounds, did an incredible amount of work this year. Our many different perspectives created an opportunity for the Minnesota Department of Education to get input for the important work of leading special education within our state.

The panel demonstrated excitement and enthusiasm for the work of special educators across our state. MDE presented a plethora of data to the panel and it was carefully analyzed, thoughtful discussion occurred throughout the year and input was provided on the State Performance Plan, the Annual Performance Report, and the workgroups associated with each of the division units. In addition, we had the opportunity to complete a survey for the federal Office of Special Education Policy (OSEP) and offer input. We were also honored to have a visit to our SEAP meeting by the OSEP staff.

The advocates, educators, parents, agency staff and interagency stakeholders that are members of SEAP approached their work with empathy and care, always evaluating their input by considering what it would mean for the children and youth with disabilities in our state. SEAP thoughtfully considered information from Special Education Policy, Compliance and Assistance, and Program Finance throughout the year.

One of the primary purposes of SEAP is to make sure that diverse perspectives are encouraged and considered in the goals and activities designed to improve special education in Minnesota. SEAP members made sure that this difference of perspectives was shared and encouraged. The panel members demonstrated respect for those who offered opinions different from theirs while continuing to share their thoughts openly. This has led to a rich dialogue among the panel members and state staff in making decisions regarding special education.

I would like to thank the leadership of Barbara Troolin, Cindy Shevlin-Woodcock, and other department staff in helping SEAP reach our goals this year. I also want to express my extreme gratitude to the other SEAP members for their commitment and hard work.

On behalf of the Minnesota Special Education Advisory Panel, it is with great honor that I present this SEAP Annual Report.

Janet Dirkson, Chair, Special Education Advisory Panel

DIRECTOR'S LETTER

“Change has a considerable psychological impact on the human mind. To the fearful it is threatening because it means that things may get worse. To the confident it is inspiring because the challenge exists to make things better.” -- King Whitney, Jr.

The Special Education Advisory Panel (SEAP) has indeed experienced change in 2009-2010. Besides our usual business of priority topic discussions and federal reporting of our Annual Performance Review, we had the Office of Special Education Programs (OSEP) in Minnesota for a verification visit this fall and a Part C-focused monitoring. As a result of their visit and findings, we have a corrective action plan that will involve some changes at the state level and some at the local level. We are committed to improving efficiencies and processes, like fiscal monitoring, so there is a clearer understanding of expectations.

Another significant change this year is new faces, not only at the Minnesota Department of Education but also new faces for SEAP. We so appreciate the historians and those who have knowledge and expertise on how to support students for healthy development and lifelong learning. We also welcome new people with new ideas and different perspectives on how to problem-solve during these challenging times.

Thanks to all of you for your incredible commitment to collaboration and accountability. Your strengths and perspectives have enriched our planning, implementation and evaluation of the supports to stakeholders.

Our heartfelt thanks.

Barbara L. Troolin, Ph.D.
Director of Special Education Policy

Overview

The Minnesota Special Education Advisory Panel (SEAP) provides policy guidance for the Minnesota Department of Education (MDE) divisions of Special Education Policy and Compliance and Assistance with respect to special education and related services for children and youth with disabilities in Minnesota. The federal Individuals with Disabilities Education Act (IDEA) and state law establish SEAP and outline its duties.

SEAP members are appointed by the Commissioner of Education as the governor's designee. SEAP members include parents, individuals with disabilities, educators, teacher trainers, advocates, special education directors and staff from MDE and other state agencies, bringing their diverse perspectives together to make recommendations on special education issues. For a list of SEAP members for 2009-10, see Appendix A.

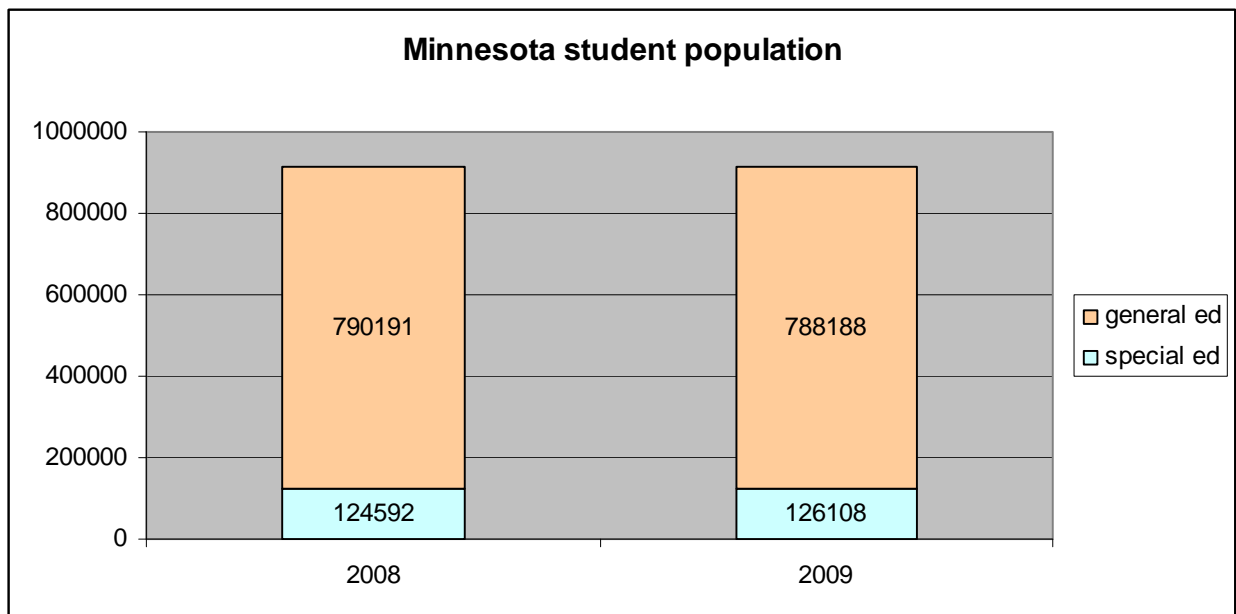
“SEAP presents a venue in which parents, professionals from across disciplines and policy experts can share thinking and creative problem solving. It represents a rare opportunity to connect around issues that matter to children.”

— SEAP member Mary Ann Marchel

Special Education in Minnesota

By federal law, public schools must provide individualized special education and related services to eligible children with disabilities. Special education is specially designed instruction, provided at no cost to parents, to meet the unique needs of a child with a disability. It may include instruction in the classroom, home, hospitals, institutions and other settings.

On December 1, 2009, 914,296 children and youth from birth to 21 years old were enrolled in some form of Minnesota public or nonpublic education. Of those, 126,108, or 13.8 percent, were children and youth with disabilities. This represents an increase of more than one percent from the 124,592 Minnesota children receiving special education services in 2008-09.



The number of children and youth in each of the 14 disability categories was relatively stable compared to December 1, 2008. Most increases or decreases were within one-half of one percent with the exception the number of children categorized as having Autism Spectrum Disorders, which increased 0.8 percent to 13,879.

Minnesota's special education programs continued to show improvement in several performance measures. The graduation rate for students with disabilities remains stable at nearly 85 percent. Minnesota met its target for having no school districts where students from racial and ethnic groups are disproportionately represented in special education programs.

However, there are still performance areas that need improvement. The dropout rate for Minnesota students receiving special education, while stable, is still above the state target. A smaller percentage of parents reported feeling involved in their children's special education program than in previous years.

MDE reports annually on the state's special education performance in its Annual Performance Report (APR), which can be found on the MDE Website under Compliance and Assistance.

Annual Workplan

The duties assigned to SEAP via federal legislation are discussed on an annual basis. An annual work plan is developed as a tool to guide the work of SEAP. This year, SEAP focused on five areas:

- A. Advise the Special Education Policy Division on the State Performance Plan (SPP) and the Annual Performance Report (APR) process.
- B. Comment on and participate in developing the proposed special education rules.
- C. Advise the Special Education Policy Division on the State Personnel Development Grant.
- D. Advise the Compliance and Assistance Division on IDEA noncompliance findings.
- E. Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act.

SEAP members actively engaged in discussions, asked helpful questions and provided valuable insights and comments on all of these matters. The following summarizes the key themes and results of SEAP's work during the past year.

Office of Special Education Programs (OSEP) Monitoring Visit

The U.S. Department of Education's Office of Special Education Programs (OSEP) monitoring visit formed a major part of the SEAP agenda during the past year. State Special Education Director Barbara Troolin briefed new and returning SEAP members about the visit at their September 17, 2009, meeting. SEAP completed a survey as part of the OSEP visit and hosted OSEP team members during one of its meetings.

Briefly, OSEP directed MDE to:

1. Correct findings of noncompliance under Part C as reported in the Annual Performance Report (APR).
2. Issue finding of noncompliance under Parts B and C identified through fiscal monitoring.
3. Clarify and, if needed, revise its methods for obtaining representative compliance data from districts.
4. Correct its formula for calculating proportionate funding for special education and related services for children whose parents place them in private schools.
5. Report the state target for the percentage of districts that are significantly discrepant from the state rate of suspensions/expulsions over 10 days to the public.
6. Report the number of students receiving accommodations on statewide tests to the public.
7. Take further measures to ensure compliance with nonsupplanting and maintenance of effort requirements with Part C funding.

SEAP and MDE will continue to share information and consult each other on these items as they are implemented in the coming months.

Special Education Policy Foundational Statements

SEAP members followed the development of mission, vision and goals statements for the Special Education Policy (SEP) division. As approved, these statements provide an overall direction and measures of success for SEP's many and varied efforts.

Vision

All children get necessary support for healthy development and lifelong learning.

Mission

Provide leadership to ensure a high-quality education for Minnesota's children and youth with disabilities.

Guiding Principles

- **Provide leadership:** We provide educational support and guidance to Minnesota's broader educational communities.
- **Support whole-child thinking:** Educational support is based on each child's unique needs to prepare them for further education, employment, independent living, and community participation.
- **Collaborate with our partners:** We collaborate with and value the contributions of our partners.
- **Model accountability:** We promote and measure evidence-based outcomes that are meaningful to our communities.

Values:

- The practice of mutual respect, transparency and responsibility in our relationships with students and their families and educational partners.
- The application of the most credible data, methods and tools.
- High learning standards.
- Building stakeholder capacity.
- The right service offered in the right way at the right time.

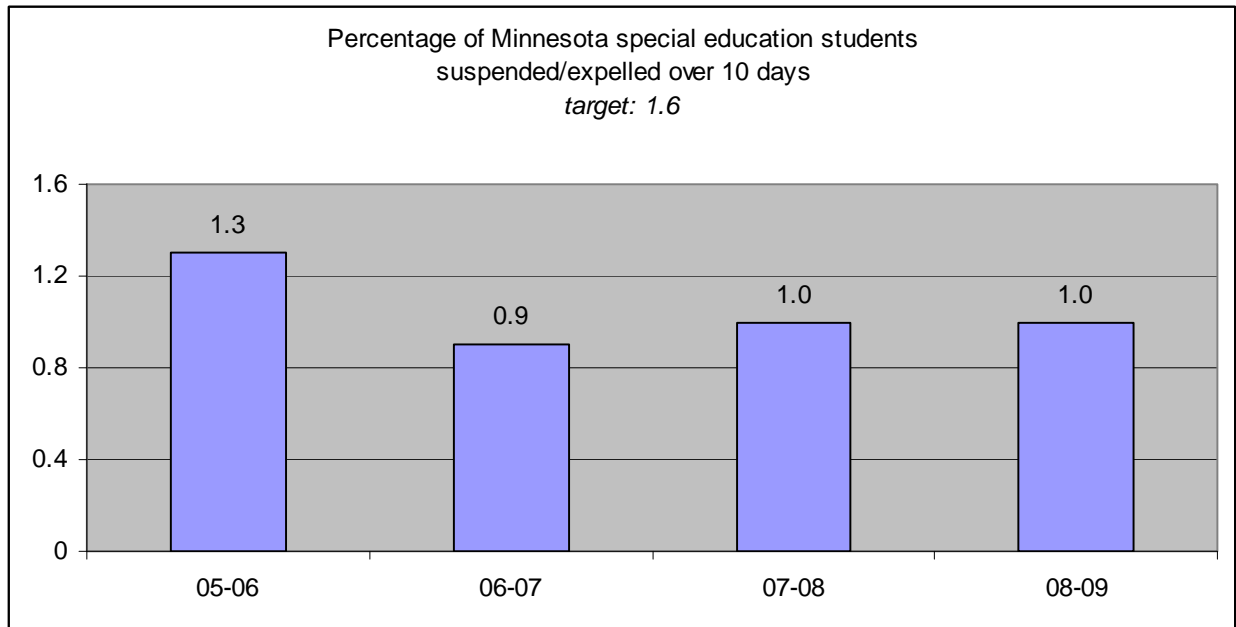
Student Discipline, Restrictive Procedures and Maltreatment

MDE staff kept SEAP informed on state and national developments regarding restrictive procedures in special education. In September, SEAP members received a report from the U.S. Government Accounting Office on seclusion and restraints referencing selected cases of abuses and deaths from public and private schools and treatment centers.

SEAP members discussed legislative changes to district seclusion and restraint procedures and provided input regarding MDE's support for districts working to develop local training and prepare staff to implement the changes by 2011. SEAP members reviewed a draft of MDE's

Seclusion and Restraint Training Self-Assessment tool and provided feedback regarding its effectiveness.

Overall, Minnesota met its 2008-09 APR target for suspensions and expulsions of special education students over 10 days as shown in the following chart.



Compliance and Assistance staff briefed SEAP on the state’s requirements and procedures for reporting maltreatment of minors in schools and provided available statistical information on maltreatment investigations. SEAP members noted a need for statistical information on victims of maltreatment by age, race and disability and recommended changes to current legislation regarding maltreatment of minors.

“SEAP’s members are all actively involved in some capacity with students with disabilities. They represent a very diverse and broad spectrum of backgrounds, experience and perspective, which leads to relevant, realistic input, with high expectations for positive outcomes.” — SEAP member Barbara Ziemke

Student Maltreatment Program Fiscal Year 2008 – 2009

101 reported cases opened for investigation or student welfare.

(3 cases closed as student welfare assessments, no further investigation or determination required)

98 cases opened for investigation of alleged maltreatment.

(15 cases are still pending an outcome as of 11/6/09)

In completed investigations:

- 65 percent of the alleged victims were students with a disability.*
- 32 percent of the alleged victims were students without a disability.
- 3 percent of the alleged victims' disability was unknown.

In completed investigations:

- 21 percent of the alleged victims were determined to have been maltreated.
- 79 percent of the alleged victims were determined not to have been maltreated.

Of the victims determined to have been maltreated:

- 57 percent had a disability.
- 43 percent did not have a disability.

Of the alleged victims determined not to have been maltreated:

- 67 percent had a disability.
- 29 percent did not have a disability.
- 4 percent had an unknown disability status.

* Disability categories include; Autism Spectrum Disorder; Developmental Cognitive Disabilities: Mild-Moderate; Developmental Cognitive Disabilities: Severe-Profound; Emotional/Behavioral Disorders; Early Childhood Special Education; Other Health Disabilities; Physically Impaired; Severely Multiply Impaired; Specified Learning Disability; Traumatic Brain Injury.

Aligning Prevention Initiatives and the State Performance Plan

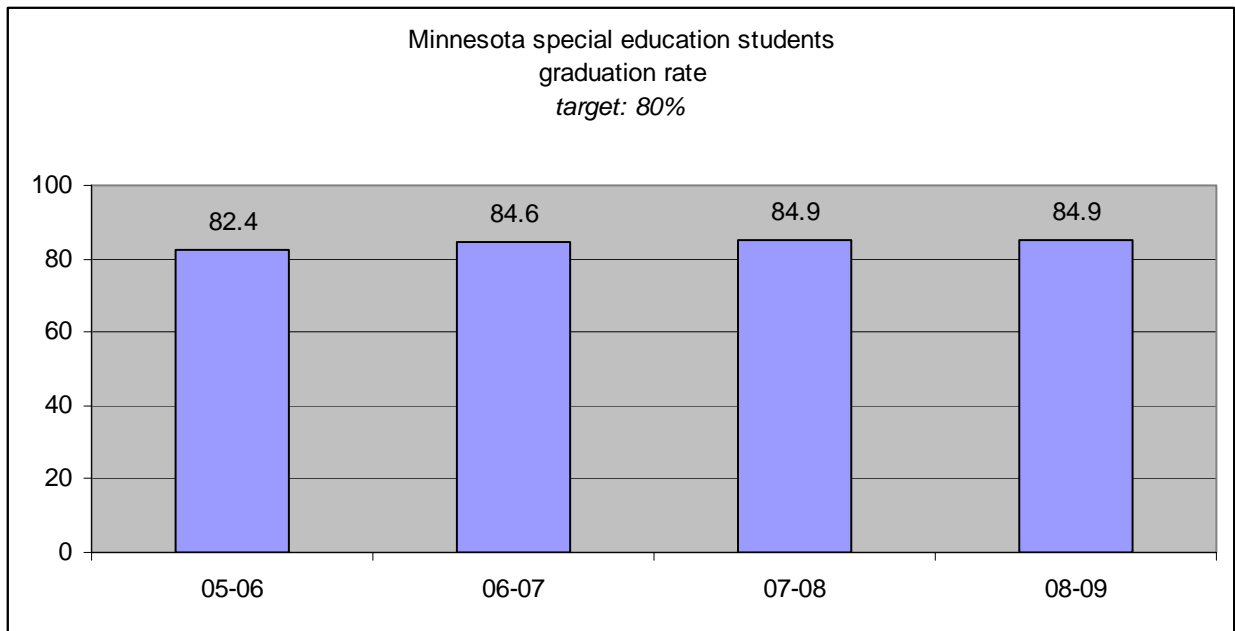
The SEAP provided valuable input on how SEP's many prevention initiatives could be better aligned with the State Performance Plan (SPP). Current prevention initiatives include:

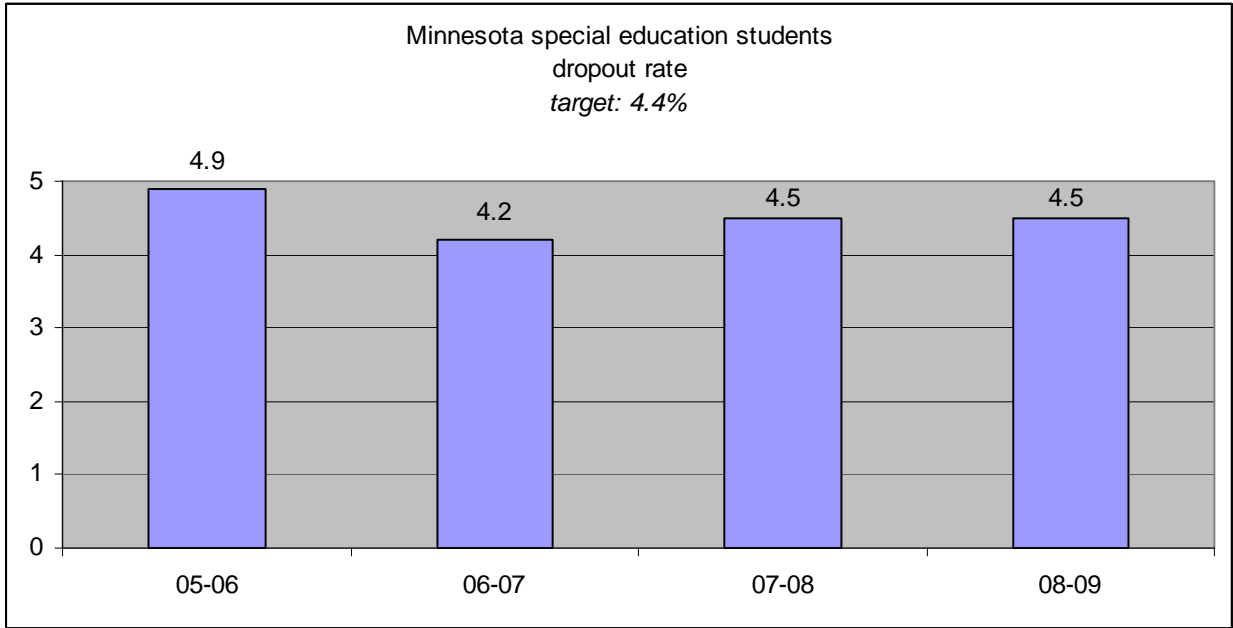
- Alternative Delivery of Specialized Instructional Services (ADSIS).
- Response to Intervention (RtI).
- Positive Behavior Interventions and Supports (PBIS).
- Drop-Out Prevention.
- Alternatives-to-Suspension.

SEAP recommended that MDE develop a regional focus for its prevention initiatives, focusing on proven programs especially for schools not making adequate yearly progress under No Child Left Behind standards. Information on how the various initiatives compare and training for local administrators on how to integrate them were suggestions for productive approaches. The goal of these efforts would be district-level plans including all available initiatives, implemented consistently and equitably and embedded in overall educational programs.

“The numbers on the SEAP OSEP survey aptly document the diverse backgrounds of the SEAP membership. Our broad base of member backgrounds provides input from multiple roles and constituency areas.” — SEAP member Shannon Erickson

While Minnesota was able to meet its 2008-09 APR target for graduation rates for special education students, there was a slight slippage in dropout rates for the period and the state did not meet its target in this area, as shown in the following charts.





Special Education Dispute Resolution and Compliance Monitoring

Staff from the Compliance and Assistance division kept SEAP members informed of their activities in dispute resolution and compliance monitoring. Members regularly received the most recent reports on special education hearing decisions.

Minnesota Special Education Dispute Resolution

Complaints (FY)	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Received	143	238	187	232	209	132	113	131	121	89	82	54
Formal	138	142	112	133	120	87	80	101	66	54	51	42
Informal	5	96	75	99	89	45	33	30	55	35	31	12

Mediations (FY)	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Requested	72	65	73	61	50	65	65	71	65	38	73	54
Request withdrawn	16	22	36	24	15	11	19	24	21	5	25	1
Held	60	39	35	39	34	52	55	48	43	17	47	28
Agreements reached	49	35	31	33	28	45	52	42	34	15	41	34

Facilitated IEP (FY)	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Requested	6	47	47	63	61	44	43	30	27	29
Request withdrawn	2	7	6	10	3	8	8	1	9	0
Held	2	39	41	55	57	36	35	16	17	20
Agreements reached	2	36	38	51	51	33	32	15	17	22

Hearings (FY)	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Requested	39	48	53	49	60	53	38	39	34	15	23	21
Held	10	16	13	15	14	14	10	4	8	1	3	
Dismissed/settled	32	30	31	39	46	36	25	34	26	6	9	8

Going Forward

SEAP is a broad-based constituency group that plays an active and influential role in improving the education of children and youth with disabilities in Minnesota. SEAP members participate on other state and local committees and task forces, such as the special education teacher licensure task force, the state interagency committee and the higher education forum. As a result of their membership on other groups, there is opportunity to communicate our priorities and make connections. Working together makes all our efforts move forward. SEAP will continue to recommend improvements in the special education service system to improve outcomes for students.

“SEAP makes a difference! Members are passionate and articulate about groups they represent. MDE listens and responds.”

— SEAP member Brad Harper

APPENDIX A: Special Education Advisory Panel, 2009 – 2010

Member	City	Represents	Term ends
Janet Dirksen, Chair	Montevideo	School Personnel	2010
Pam Taylor, Vice Chair	Minnetonka	Parent/Advocate	2011
Sally Baas	St. Paul	Higher Education	2012
Linda Bonney	Grand Rapids	Parent/Advocate	2011
Shannon Erickson	Pelican Rapids	School Administrator	2012
Lynda Gault	Richfield	School Administrator	2011
Bradley Harper	St. Paul	School Administrator/Corrections	2013
Allen Hoffman	Courtland	School Administrator	2010
Jeri Johnson	Plymouth	Parent/School Administrator	2012
Nancy Kelly	Cottage Grove	Parent/Advocate	2013
Karen Kennedy	St. Paul	School Administrator	2013
Shirley Klitzke	Maplewood	School Personnel	2012
Dawn Lamping	Goodland	Interagency Staff/Vocational	2011
Mary Ann Marchel	Duluth	Higher Education	2011
MaryAnn McCann	Rosemount	Parent/Advocate	2010
David Olson	Red Wing	School Personnel	2010
Suzanne Renfro	Bloomington	Parent/Advocate	2011
Robert Vaadeland	Bemidji	School Administrator	2010
Lisa Vala	Plymouth	Parent/Advocate	2010
Terri Yellowhammer	St. Paul	Interagency Staff/Foster Care	2013
Barb Ziemke	Lakeville	Parent/Advocate	2010

Minnesota Department of Education Staff

Cindy Celany, Administrative Support Staff

Ruth Ellen Luehr, Coordinated School Health Specialist

Amy Roberts, Director of Compliance and Assistance

Cindy Shevlin-Woodcock, Prevention and Alternatives Support Specialist

Barbara Troolin, Director of Special Education Policy

APPENDIX B: SEAP Meeting Schedule, 2009 – 2010

Thursday, September 17, 2009

Thursday, November 5, 2009

Thursday, January 21 and Friday, January 22, 2010

Thursday, March 18, 2010

Thursday, May 20, 2010

SEAP meetings in 2008-2009 were held at the Minnesota Department of Education Conference Center. SEAP meetings were scheduled from 9:00 a.m. to 4:00 p.m.

[For information about SEAP visit the Advisory Council's Website.](#)

For questions about SEAP please contact Cindy Shevlin-Woodcock at 651-582-8656 or cindy.shevlin-woodcock@state.mn.us.