



Special Education Advisory Panel (SEAP)

Annual Report

July 1, 2016

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

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, 2015, through June 30, 2016. 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 and Compliance and Assistance on the education of children and youth with disabilities.



Members of the 2015 – 2016 Special Education Advisory Panel with Special Education Division Director Robyn Widley (far right) and staff

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.
6. The SEA, after deleting personally identifiable information, must provide SEAP with the due process hearing findings and decisions and make those findings and decisions available to the public (34 CFR 300.513(d) and 300.514(c)).

Acknowledgements

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

Robyn Widley, Director, Special Education Division
Carrie M. Mastenbrook, SEAP Chair, 2015–2016
Kristin Oien, SEAP Coordinator
Diana Miller and Joua Lor, Administrative Support
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: SEAP Chair Carrie M. Mastenbrook

Together with education professionals, parent/advocates and other community leaders, SEAP (Special Education Advisory Panel) had a strong 2015 – 2016 year tackling issues that are vitally important to students with disabilities within the state of Minnesota.

Our group met five times over the course of fall 2015 and early summer 2016 discussing, analyzing and providing feedback on a wide-range of important topics. We heard from great leaders at MDE month-after-month on topics such as Minnesota's Olmstead Plan; the State Performance Plan/Annual Performance Report (SPP/APR); the State Personnel Development Grant (SPDG); special education financing; Results Driven Accountability (RDA), the State Systemic Improvement Plan (SSIP) and Compliance and Assistance. We provided feedback on these topics as well as reviewed and analyzed goals and set new targets as required.

To each of the members of the 2015 – 2016 SEAP, thank you so much for your time, your talents and your passion for students with disabilities. It was wonderful learning what is truly needed to make special education great with each one of you.

An enormous thank-you to MDE staff Robyn Widley, Kristin Oien and Diana Miller. You are amazing leaders with a high-level of compassion, encouragement, attention to detail and execution. The planning and administrative support you provide to SEAP allows us to really focus on moving things forward in special education.

It was my absolute pleasure to serve as the 2015 – 2016 chair.

Warmest Regards,
Carrie M. Mastenbrook
Chair, Minnesota Special Education Advisory Committee

Director's Letter

Dear Parents, Guardians, Educators, Friends and Minnesota Students:

In its most recent full year of work, the members of the Minnesota Department of Education (MDE) Special Education Advisory Panel (SEAP) proved they were up to the task of facing, accepting and adapting to an increasing pace of change. I could not be happier with the typically rich discussions and great ideas that came out of SEAP this year.

As we continue to focus on results for students receiving special education services in Minnesota, SEAP's work will become more and more important and vital. We at MDE, and our partners in schools and districts throughout Minnesota, rely on the extensive experience, deep knowledge, compassionate concern and uncommon desire to help students that are common characteristics of our SEAP members. We all look to the invaluable contributions of SEAP and its members to help us evaluate and improve our special education programs.

We so appreciate and value the dedication and drive of SEAP members to ensure all children in Minnesota schools, regardless of their individual circumstances, receive the support they need for healthy development and lifelong learning.

I congratulate and thank our SEAP members for their leadership and participation in this important endeavor.

Robyn Widley
Director of Special Education



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 2015–16, see Appendix A. For a list of education groups on which SEAP members also serve, see Appendix B.

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 six areas:

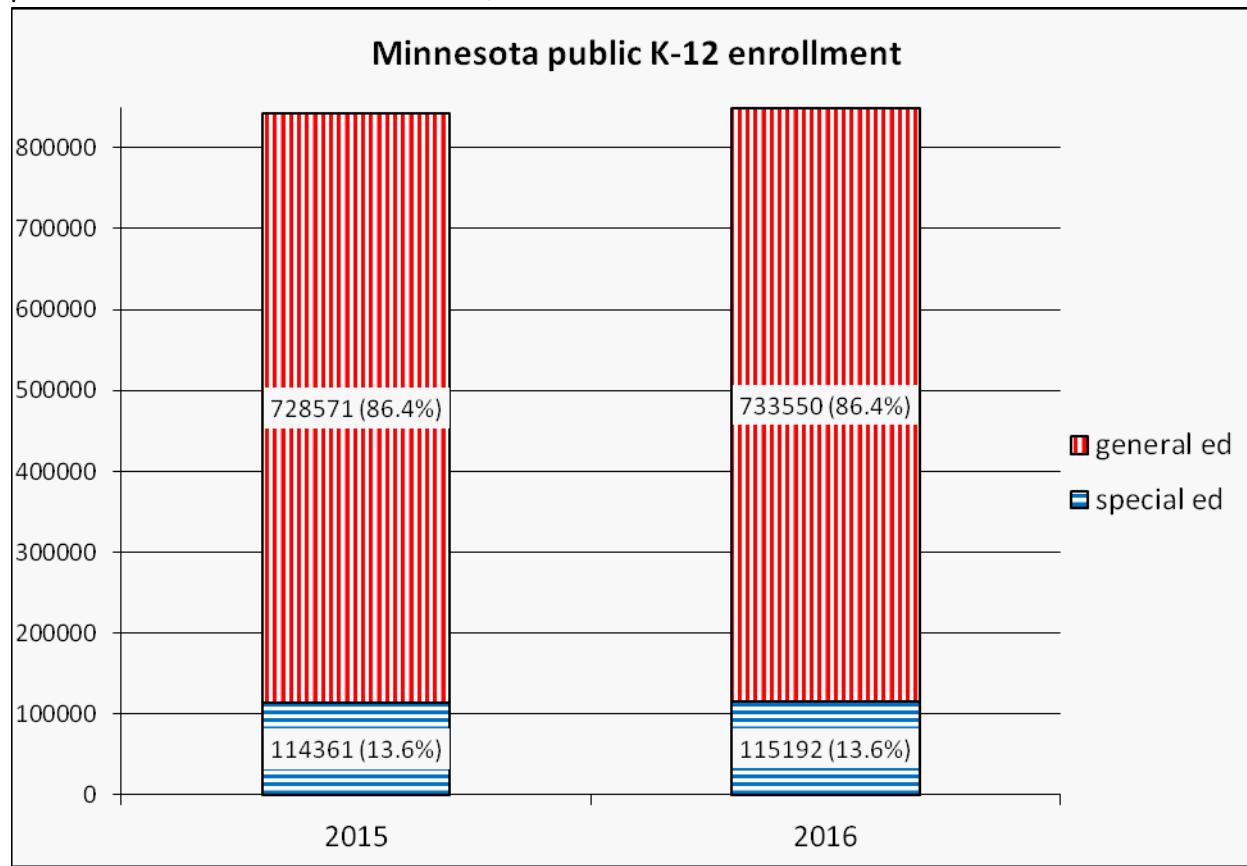
1. Advise MDE of unmet needs within the state in the education of children with disabilities.
2. Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities.
3. Advise MDE in developing evaluations and reporting on data to the secretary under section 618 of IDEA.
4. Advise MDE in developing corrective action plans to address findings identified in federal monitoring reports under Part B of IDEA.
5. Advise MDE in developing and implementing policies relating to the coordination of services for children with disabilities (IDEA, 34 CFR § 300.167-300.169).
6. The Minnesota Department of Education, after deleting personally identifiable information, must provide SEAP with the due process hearing decisions and findings and summarize state complaint decisions (34 CFR § 300.513(d) and 300.514(c)).

The following summarizes the valuable input and discussions SEAP provided on a variety of topics related to its workplan.

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, 2015, 133,742 Minnesota children and youth from birth to 21 years old received special education services. This represents an increase of 2.2 percent from the 130,886 Minnesota children receiving special education services in 2014–15. Of those, 115,192 were enrolled in grades K-12 in Minnesota public schools, 13.6 percent of the total statewide public school K-12 enrollment of 848,742.



Compared to December 1, 2013, there were increases in the number of students in eight of the 14 disability categories: Deaf-Blind, Developmental Delay, Other Health Disabilities (OHD), Autism Spectrum Disorders (ASD), Deaf/Hard of Hearing (DHH), Specific Learning Disabilities, Blind/Visually Impaired and Emotional Behavioral Disorders (EBD). The number of students in the categories of Severely Multiply Impaired, Speech/Language Impaired, Developmental Cognitive Disability-Severe/Profound, Traumatic Brain Injury and Developmental Cognitive Disability-Mild/Moderate remained relatively stable. There was a decrease in the number of Minnesota students in the Physically Impaired category.

Every Student Succeeds Act

Passed in Congress and signed into law by President Barack Obama on December 10, 2015, the Every Student Succeeds Act (ESSA) replaced No Child Left Behind (NCLB) and changed many portions of the Elementary and Secondary Education Act (ESEA). ESSA includes protections for vulnerable students and creates tools and opportunities for parents, communities and other advocates to support equity for all students and accountability for schools. It requires state education agencies to ensure educational equity for all students, as measured by student outcomes, access to high-quality educators and opportunities to build college and career readiness.

MDE must submit a plan to address state testing, ways in which schools and districts are held accountable for educating students, and how the state will support schools that may be struggling. As Education Commissioner Dr. Brenda Cassellius wrote to Minnesota parents, “public feedback is a critical part of developing this plan. In the end, our work is to ensure all students—regardless of background—get the best possible education.”

MDE staff kept SEAP members informed of the latest developments in its planning for ESSA implementation. SEAP members were concerned that some assessments that might be used for ESSA purposes might not be accessible for all Minnesota students. These concerns were passed on to MDE’s student assessment division, which plans to address them through an updated student accommodations manual and other measures.

SEAP members also pointed out that many students receiving special education services may continue their public education until reaching age 21, while ESSA assumes students will



graduate in four years. This is a shared concern; in its contacts with federal regulators MDE plans to continue to communicate potential issues for the Individuals with Disabilities Education Act (IDEA) and the importance of the work of students who, under its provisions, have until age 21 to complete their high school education.

Responding to SEAP members’ questions about early childhood programs, MDE staff assured that high quality requirements for early childhood would remain in place as Minnesota transitions to ESSA implementation.

State Performance Plan, Annual Performance Report and State Systemic Improvement Plan

IDEA requires each state to develop a State Performance Plan (SPP) that evaluates the state's efforts to implement the requirements and purposes of IDEA and describes how the state will improve its implementation. The Part B SPP (services for students ages 3-21) includes improvement activities for 18 indicators such as graduation rate, dropout rate, participation and performance on assessments, and meeting evaluation timelines. The Part C SPP (services for students ages Birth-2) includes improvement activities for 12 indicators such as ensuring positive outcomes for infants and toddlers with disabilities, timely provision of services, meeting evaluation timelines and provision of services in natural environments.

IDEA also requires each state to report annually on its performance under the SPP. Specifically, each state must report in its Annual Performance Report (APR) the progress it has made in meeting the targets established in its SPP. IDEA details four categories for determination. A state's determination may be:

- Meets the requirements and purposes of IDEA.
- Needs assistance in implementing the requirements of IDEA.
- Needs intervention in implementing the requirements of IDEA.
- Needs substantial intervention in implementing the requirements of IDEA.

Since 2014, compliance and results data have equal weight in each state's Part B determination. This new results driven accountability (RDA) framework includes both educational results and functional outcomes for students with disabilities and results with the compliance requirements of IDEA. RDA uses multiple outcome measures that include students with disabilities' participation in state assessments and proficiency gaps between students with disabilities and all students, as well as performance in reading and math on the National Assessment of Educational Progress (NAEP). The use of student testing and other outcome measures is a major shift from years past and affected many states' standings related to their overall determination.

For the third year in a row, Minnesota met IDEA's "Meets Requirements" determination, one of 24 states to do so in the current year.

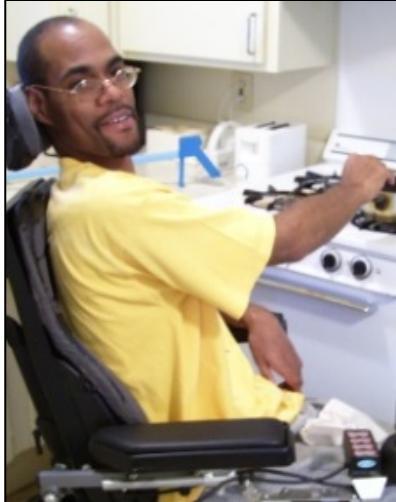
Starting with federal fiscal years 2013 through 2018, the SPP-APR incorporates new indicators that require states to develop a State Systemic Improvement Plan (SSIP). Minnesota's SSIP focuses on improving results for students with disabilities in three phases over the six-year period. The first phase of SSIP development included data analysis, identification of six-year graduation rates for Black and American Indian students receiving special education services as our State Identified Measurable Result (SIMR), infrastructure analysis, stakeholder involvement

and building a theory of action. MDE continues to refine and implement its SSIP; the third phase will be submitted to the federal Department of Education in April 2017.

This year, SEAP members kept up to date on the latest SPP-APR indicators, their purpose, targets and outcomes and the further development of Minnesota's SPP, APR and SSIP. As part of MDE's process for innovation around SPP-APR data, members took part in a group activity to increase their understanding of the indicators, consider the linkages between them and Minnesota's SIMR and identify other unmet educational needs for Black and American Indian students. MDE will continue to keep SEAP members informed and draw on their expertise and input as this effort proceeds.

Minnesota's Olmstead Plan

SEAP and its members provided valuable insight and input during the ongoing implementation of Minnesota's Olmstead Plan, especially those efforts centered at MDE. Minnesota's Olmstead Plan documents what will, and what needs to, happen to ensure individuals with disabilities receive services in the most integrated setting appropriate to their needs.



Olmstead work plans that have been developed and approved with the help of multiple partners, including SEAP, set goals for ensuring students and individuals with disabilities have opportunities to participate in the life of their communities. These goals include:

- Increasing the number of students ages 19-21 with developmental disabilities who enter into competitive employment to 763 by June 2020.
- Increasing by 1,500 the number of students with disabilities receiving instruction in the most integrated setting by December 2019.
- Increasing by 250 the number of students who enter into an integrated postsecondary setting within one year of leaving secondary education by October 2020.
- Drastically decreasing the number of students receiving special education services who experience emergency uses of restrictive procedures.
- Increasing access to children's mental health services and ensuring that if it is necessary for them to leave school they will return to school in a timely fashion.

MDE and SEAP will continue to work closely in the coming years to ensure the successful implementation of Minnesota's Olmstead Plan.

Positive Behavioral Supports and Interventions and Alternative Delivery of Specialized Educational Services



Positive Behavioral Supports and Interventions (PBIS) provides districts and schools throughout Minnesota with training and technical support to promote improvement in student behavior across the entire school, especially for students with challenging social behaviors. It establishes clearly defined outcomes that relate to students' academic and social behavior, systems that support staff efforts, practices that support student success, and data to guide decision-making.

Key features of PBIS include:

- Setting clear, consistent positive expectations for students.
- Teaching and practicing those expectations throughout the entire school — in classrooms, hallways, lunchrooms, even bathrooms.
- Systematically recognizing when the expectations are being demonstrated well.
- Being clear about the continuum of consequences.
- Regular review of school disciplinary data to guide effective implementation.

Since, 2005, 543 Minnesota schools in 183 districts have begun or completed PBIS training. These schools serve over 247,000 Minnesota students. SEAP members expressed enthusiasm at MDE staff's presentation of data and anecdotal evidence on the effectiveness of PBIS

Some SEAP members were concerned about the sustainability of PBIS, with its nine training days spread over two years using federal funding from MDE. MDE staff pointed out that PBIS was included in this year's and next year's legislative request for state funding. Implementation concerns raised by SEAP members included the program's presence in charter schools (20 charters currently participate in PBIS) and federal level 4 settings for challenging students and barriers to greater formal participation, often arising from misunderstanding or misinformation about the program and its goals.

Alternative Delivery of Specialized Instructional Services (ADSI) allows Minnesota school districts and charter schools to apply for state special education aid to assist students who need additional academic or behavioral support to succeed in the general education environment. The goal is to reduce the number of inappropriate referrals to special education by providing supports early to struggling students. Districts are expected to align the ADSI program within their existing continuum of supports, collect data as specified in the application and submit

evaluation information to the Minnesota Department of Education (MDE) each year to determine program impact. SEAP members sought clarification about whether ADSIS funding could be used for other than direct services for students; it cannot. SEAP also learned that ADSIS can fit an online learning environment. At least one Minnesota online school has applied for ADSIS funding.

Diverse Populations

MDE staff presented SEAP members with emerging research and data regarding discipline in special education programs and its impact on students, particularly those from diverse populations. Findings from the data, including disproportionately higher discipline rates for some groups of students, were examined from both panel member and student perspectives.

Observations and concerns from SEAP members included implicit bias and its origins, cultural awareness, training and institutional design. Members felt children receiving special education services could be held to higher standards when it comes to social and behavioral actions and that schools ideally could report on interventions and strategies used and which ones were effective in order to gather information on best practices in this area.

MDE staff stated work on these issues would be used to supplement existing initiatives and programs and broaden conversations around discipline and diverse populations rather than to introduce any new programs or initiatives.

Based on the groundbreaking work of the National Code of Ethics for Interpreters in Health Care and in cooperation with experts from the University of Minnesota, MDE helped develop and disseminate [a code of ethics for educational interpreters, available from the MDE website](#). These guidelines offer valuable information on what to do and what to avoid when interpreting for Minnesota students and parents from diverse backgrounds.

SEAP and its members will continue to monitor and offer advice on the often unique situations of students and families from diverse populations in Minnesota schools as part of their responsibilities to point out unmet needs, comment on proposals and other aspects of the panel's work plan.



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 priorities and make connections. Working together helps all our efforts move forward. SEAP will continue to recommend improvements in the special education service system to improve outcomes for students.

Appendix A: Minnesota Special Education Advisory Panel, 2015–2016

Name	Address	Represents	Term Ends
Leesa Avila	New Hope	Parent/Advocate	2019
Dawn Bly	Fosston	Parent/Advocate	2018
Randy Bryant	Duluth	Parent/Advocate	2018
Michaele Caron	St. Paul	Parent/Advocate	2018
Beth Chaplin	St. Paul	Foster Care	2018
Deanne Curran	Farmington	Parent/Advocate	2018
Danelle Dunphy	Duluth	Parent/Advocate	2018
Shannon Erickson	Pelican Rapids	Community Advocate	2018
Dustin Hinckley	Bemidji	Parent/School Administrator	2018
Carrie Mastenbrook	Stacy	Parent/Advocate	2016
Mary Margaret Mathers	Wadena	School Personnel	2016
Kristen McMaster	Minneapolis	Higher Education	2016
Sarah Mittelstadt	Fairmont	School Administrator	2016
Rebecca Neal	Maplewood	School Personnel	2019
Christine Peper	Minneapolis	Parent/Advocate	2017
Dan Porter	Maplewood	School Personnel	2018
Leslie Sieleni	White Bear Lake	Parent Advocate	2017
Stephen Tye	Roseville	Parent/Advocate	2017
Erin Wanat	Cottage Grove	School Administrator	2017

Appendix B: Special Education Advisory Panel Representation on Other Groups

Adult Mental Health Initiative	Minnesota Governor's Council on Developmental Disabilities
Arc United Bemidji	Minnesota Hands and Voices Council
Augsburg College	Minnesota Interagency Council
Child Welfare Educational Systems	Minnesota Organization on Fetal Alcohol Syndrome
Collaborations	Minnesota School Administrators Association
College of St Scholastica	Minnesota School Social Worker Association (MSSWA)
Community Transition Interagency Committee	Minnesota State Council on Disability (MSCOD)
District # 544	Minnesota State Interagency Committee (MnSIC)
Education Stability Committee (Department of Human Services)	Multi-tiered System of Support Workgroup
Family Homeless and Prevention Assistance Program	National Alliance on Mental Illness of Minnesota
Family Voices of Minnesota	Northeast Metro 916 Intermediate School District
Fergus Falls Human Rights Commission	Northwest Family Voice
Innovative Special Education Services	Ramsey County Collaborative Governing Board
Lionsgate Academy	Rochester Family Down Syndrome Network
MDE Early Childhood MARSS Workgroup	Rochester School District SEAC
MDE Reducing Bias	School Safety Technical Assistance Council
Minneapolis Public Schools	St. Paul Public Schools Special Education Advisory Panel
Minnesota Administrators of Special Education	The ARC Minnesota
Minnesota Association for Children's Mental Health (MACMH)	The ARC of Southeast Minnesota
Minnesota Association for Family and Early Education	University of Minnesota
Minnesota Board of Social Work Advisory Committee	University of Minnesota-Duluth
Minnesota Collaborative for Deaf, Hard of Hearing and DeafBlind Children	Way to Grow, Inc.
Minnesota Department of Health	White Bear Lake Advisory Council
Minnesota Department of Human Services	
Minnesota Disability Law Center/Mid-Minnesota Legal Aid	

Appendix C: Special Education Advisory Panel Meeting Schedule, 2015–2016

Friday, September 18, 2015

Friday, November 20, 2015

Friday, January 22, 2016

Friday, March 18, 2016

Friday, May 6, 2016

SEAP meetings in 2015–2016 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 Kristin Oien at 651-582-8843 or
kristin.oen@state.mn.us.