

NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

Cornhusker Marriott Hotel

January 28, 2016

Meeting Minutes

SEAC MEMBERS PRESENT: Alexander, Bright, Bruha, Demuth, Ellis, Gentrup, Greene, Hall, Houlton, Jacobson, Jessop, Jones-Hazledine, Jorgensen, Kelly, Kiernan, K. Larsen, S. Larsen, Sharif, Stoley, Winkler

MEMBERS ABSENT: Adams, Healey, Hitesman, Kluver, Wohlers

NDE STAFF PRESENT: Sherman, Milliken, Prochazka, Berube, Biaggio, Bunnell, Dymacek, Heaston, Heater, Kasl, Marcucci, Pierce, Weatherly, Wojcik, Hoffman

SEAC FACILITATOR: Bird

VISITORS: Amy Rhone, State Coordinant for PBIS; Mary Greenfield, NDE Contracted Consultant

The meeting of the Special Education Advisory Council (SEAC) commenced at 8:40 a.m. Public notification of this meeting was made on the NE Department of Education web site and in the Omaha World Herald.

Council Business

With many NDE staff in attendance, SEAC members introduced themselves.

An Open Meetings Law Announcement was made by Council Chair, Cindy Ellis.

Approval of Meeting Minutes

A motion to approve the minutes of the November 19, 2015, meeting was made by Hall and seconded by Jorgensen.

VOTE:

Alexander, Bright, Bruha, Demuth, Ellis, Gentrup, Greene, Hall, Houlton, Jacobson, Jorgensen, Kelly, K. Larsen, S. Larsen, Sharif, Stoley, Winkler

Nay – none

Abstain – Jones-Hazledine

Absent – Adams, Healey, Hitesman, Jessop, Kiernan, Kluver, Wohlers

The motion carried.

Approval of Agenda

A motion was made by Greene and seconded by Demuth to approve the agenda.

VOTE:

Alexander, Bright, Bruha, Demuth, Ellis, Gentrup, Greene, Hall, Houlton, Jacobson, Jones-Hazledine, Jorgensen, Kelly, Kiernan, K. Larsen, S. Larsen, Sharif, Stoley, Winkler

Nay – none

Abstain – none

Absent – Adams, Healey, Hitesman, Jessop, Kluver, Wohlers

The motion carried.

Notice of Conferences/Meetings

- Parents Encouraging Parents (PEP) Conference in Kearney, March 17 – 19, 2016;
- 10th Annual Nebraska Brain Injury Conference in Kearney, March 31-April 1, 2016;
- ASD – Autism Spectrum Network - Annual Conference in La Vista, April 7-8, 2016

Annie reminded SEAC members that NDE will pay conference registration fees and, if interested, to speak with her.

Special Education Office Update

Steve Milliken led NDE staff introductions by SPED office teams, and staff shared about their assignments and roles.

- **Monitoring Team** led by Jeanne Heaston includes Rita Hammitt, Jill Weatherly and Denise Wright;
- **Finance Team** led by Pete Biaggio includes John Marcucci, Suzie Pierce, Greg Prochazka and Jill Weatherly; joined by Amy Bunnell and Cole Johnson for Below Age Five topics;
- **Program Improvement Team** led by Kelly Wojcik includes Teresa Berube, Amy Bunnell, Teresa Coonts, Rose Dymacek, Sharon Heater, and Cole Johnson;
- **Below Age Five Team** led by Amy Bunnell includes Teresa Berube and Cole Johnson;
- **Data Team** led by Adria Bace includes Pam Kasl and Amy Bunnell;
- **Amy Rhone** shared about her PBIS grant and its relationship to MTSS.

IDEA Parts B and C

Annual Applications – Steve Milliken shared that the Federal application process for the IDEA funds ensures compliance with Federal regulations for Parts B and C. Both applications require a 60 day review period, the first 30 days being a public comment period. Both applications are placed on the SpEd website with hard copies available at the Lincoln, Omaha and Scottsbluff SPED offices. SEAC members will get the link from Annie. After submission to OSEP in April/May, approval is expected, after which funds become available beginning July 1, 2016.

Discretionary IDEA Grants

Gary Sherman discussed general categories where funds are being used and indicated that amounts are adjusted from year to year. The IDEA Part B Application reflects how these dollars are allocated in Nebraska. It was noted that SEAC operations fall under "Administration" funds.

An area of focus for some discretionary dollars for the 2016-17 school year is helping districts improve results for children with disabilities with an emphasis on third grade reading. Allocated dollars will go to school districts and ESUs primarily based on a school enrollment formula with a consortium option available to smaller

districts. NDE is supporting a three-year funding commitment to allow the process to develop and impact result for students.

OSEP Fiscal Compliance Letter

Letter was received from OSEP over the holidays regarding fiscal compliance with IDEA funds. Nebraska was primarily in compliance but there were four areas needing attention; NDE has 90 days to respond.

State Performance Plan/Annual Performance Report: *Part B*

Kelly Wojcik shared information about Nebraska's report that was submitted to the federal Office February 1, 2016, for the period of 7/1/14 to 6/30/15. The APR contains Results and Compliance Indicators and where Nebraska stands with each Indicator.

State Performance Plan/Annual Performance Report: *Part C*

Amy Bunnell and Julie Docter took the group through the Part C report that was submitted February 1, 2016. Timeline for submission and time period is the same for Part C as for Part B. Data was provided for both Results and Compliance Indicators.

It was noted that even though the information has been submitted, discussion was welcome and encouraged.

Miscellaneous Items

Amy shared information about an online Part C Services Coordination training that is available, as well as a Save the Date card for the Nebraska Young Child Institute happening June 27-28, 2016, at the Younes Conference Center in Kearney.

Annie shared kudos for Kami Jessop upon her being recognized by the Nebraska Association of Special Education Supervisors (NASES) as ***Nebraska's Outstanding New Special Education Director of the Year.***

Working Lunch

Steve Milliken & Kristen Larsen shared legislative information relevant to individuals with disabilities in Nebraska.

LB826 – change provisions relating to Special Education reimbursement. Even though the bill will not be advanced, Annie will work with the Executive Committee to put together some talking points.

LB1039 - to define and redefine terms related to developmental disabilities; ensure state statutes have consistent definitions.

LB1033 – connected to the 1999 Supreme Court Olmstead Act, DHHS will develop a comprehensive strategic plan for placing qualified persons with disabilities in the most integrated community-based service setting.

LB1110 – adopt the Nebraska Workforce Innovation and Opportunity Act. Provides Voc Rehab funding for transition services and lays groundwork for enhanced employment opportunities for individuals with disabilities.

LB900 - repeal the helmet law and create/fund the brain injury services program.

LB706 – define rehabilitation services for reimbursement by insurance. Will relate to children with autism and evidence-based services.

LB 891 – adopt the Downs Syndrome Diagnosis Information and Support Act.

LB838 – appropriates funds to NDE for FY2016-17 to hire an educational specialist to provide technical assistance on behavioral and mental health needs.

LB1052 – regarding Medicaid in the Public Schools, MIPS, accessing some of those dollars for the Nebraska Whole Child Project. Legislation being refined to tweak state aid formula.

Annie asked Kristen to add all SEAC members to the mailing list for the Developmental Disabilities Legislative newsletter that is sent out.

Public Comments

Cindy Ellis asked if there were any public comments. Mentioned was a meeting regarding statewide respite and the need to get the word out about the meeting. Families need to know how to ask for respite care and what the process involves. There was no other public comment.

Finance Team Report

Pete Biaggio shared information relating to CEIS funding in Nebraska. A TA document is currently on the finance page of the NDE Special Education website. Discussion followed on some of the ways CEIS dollars may/may not be spent and the 15% provision (voluntary and required use). Questions were asked about reporting and evaluation; guidelines and supporting federal language are on the Special Education website.

All federal flow-through IDEA funds are required to be submitted through GMS, the NDE Grants Management System. In the fall school districts submit an application indicating how they plan to use these funds. CEIS is one segment of the application.

Flex funding allows the use of state general funds for preventative services, similar to the federal CEIS concept.

Program Improvement Team Report

Kelly Wojcik referenced the presentation that was given at the November SEAC meeting regarding the IDEA Part B SSIP. Since then the Office has received more information from OSEP including the following recommendations:

- 1) Current SiMR has focused on “narrowing the gap” with students with disabilities at the 3rd grade reading level. Upon review of Nebraska’s plan, OSEP has asked that Nebraska consider changing its SiMR to language such as “...an increase in performance of reading.” NDE has heard concerns from RDA stakeholders previously about the “narrowing the gap” concept. SEAC discussion and feedback favors adoption of the OSEP recommendation.
- 2) Nebraska’s SiMR is statewide right now. OSEP feels that is too broad and asks that NDE consider looking at a smaller cohort.

Members divided up into three groups for **20 minutes** to consider and discuss the following:

If Nebraska moves to improving reading performance, should it look at 3rd grade only, or expand to 3, 4, & 5 grades (which is what Nebraska is already doing in its SPP/APR)

Group recommendations:

Benefit of using elementary grades is it gives better ability to see greater progress as well as sustained progress. Unanimous agreement.

Also discussed variability. All 3rd graders aren't the same, so looking over other grades gives a more accurate view.

Terry Houlton asked specifics about 3/4/5 grades as a composite. Response indicates that they are lumped together to show how this group is performing. Terry didn't feel that this composite would be statistically accurate the way it was built. The tests per grade are not equally difficult and these three age groups really cannot be compared. NDE will have further discussion with the NDE Data Center and IDC.

Another question the group considered:

When looking at cohorts, what characteristics should be considered if moving to a cohort?

Group recommendations regarding moving to a specific cohort:

1-Districts working with UNL on the MTSS project and have identified focus for reading (16 districts that are statewide);

2-Districts who have identified focus for reading and have identified MTSS, but not thru UNL. (There are about 15 districts that are a cross section.)

3-Must look at geographical regions (east, central and west) and provide a cross-state representation of how students are doing.

If choosing cohort, must make sure Nebraska is keeping with cross sections of the state. The group discussed the concept of starting out small and then expanding.

Consensus was YES to use the cohort approach. Discussion about what it specifically should be indicates need to make sure the cohort selected is demonstrative of the state demographic. Cindy Ellis suggested using UNL group as well as one that is self-selected.

The plan is due April 1, and Kelly will be invited to return to the SEAC meeting in April to share what was finalized.

Group comment: Cohort selected must be a reflection of the state.

Monitoring Team Report

Jeanne Heaston shared that Amy Bunnell/Part C (below age three), and Teresa Berube/619 (ages 3 & 4) both participate in monitoring for programs for 3-5 year olds. Always a lot of changing issues, so there will be additional emphasis on preschool aged. Part C works with PRTs primarily, but schools districts are also involved.

Items of focus:

- 1) Finalizing protocol for monitoring using both desk review and onsite visit. Also changing how documentation occurs and is available. Have shifted to

more realtime Google Docs for the purpose of monitoring and being in communication with the districts. Also working to develop a protocol that addresses how we do monitoring for programs for students b-21 and how we are documenting that information.

- 2) As monitoring has occurred, issues have arisen regarding the process and practices districts utilize to document how regulations are implemented. Exploring how communication can occur with districts about the process of providing Special Education. Monthly Director call is limiting; onsite visits look only at one location. Considering a more interactive, collaborative discussion about best state-wide practices so consistency can be achieved in responding to all districts. A survey is being sent to gather input from Special Education Directors.

Annie reminded members that Director's call is the last working Friday of the month at 9:30am CT. These calls underscore current activities including monitoring. In the Spring NDE staff will be discussing this protocol in anticipation of notifying the school districts who will be monitored during the next year.

***Every Student Succeeds Act* (ESSA)**

Steve Milliken provided information about this Act which was recently signed into law and will replace No Child Left Behind (NCLB). ESSA does not deal specifically with Special Education, however, there will be some impact on Special Education.

One percent for alternate assessment is a concern as are attendance issues and restraint/seclusion. Need to align definitions before data can be tracked. MTSS also gets more specific regarding behavior issues.

Regulations around ESSA are being developed but NCLB is still law. Stay tuned – more to come during the transition period.

Annie commented that one of the SEAC priorities is to monitor the process of ESSA and reauthorization of IDEA. Nothing on the horizon for IDEA reauthorization.

Dyslexia Technical Assistance Document

Steve Milliken introduced Mary Greenfield, NDE Contracted Consultant, who has worked with Rose Dymacek to develop and refine a TA doc to support school districts and parents/families of children who have dyslexia. This is a category within specific learning disabilities and the document is intended to assist districts serving these children. Content is rich and information-heavy, and an abridged, more concentrated version is being explored. Mary shared a power point presentation which can be found on the Technical Assistance page of the Special Education website.

Annie emphasized that TA documents are not regulation and are meant as guidance for school districts and parents/families.

Adjourn

Motion was made by Jorgensen and seconded by Hall to adjourn at 3:18 p.m.

The next SEAC meeting will be held on **April 21, 2016** at the Cornhusker Marriott.

HANDOUTS: Parts B & C charts, PEP brochure, book mark from Amy and info about conference.