

Nebraska Department of Education | Office of Special Education

SPECIAL EDUCATION ADVISORY COUNCIL



ANNUAL REPORT

2020-2021

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COMMISSIONER OF EDUCATION

Matthew Blomstedt, Ph.D.

OFFICE OF SPECIAL EDUCATION (SPED)

Amy Rhone
Administrator

Kris Elmshaeuser
Assistant Administrator

SPECIAL EDUCATION ADVISORY COMMITTEE (SEAC)

Executive Committee

Linda Safranek, Chair
Kasey Alexander
Kris Elmshaeuser, Facilitator

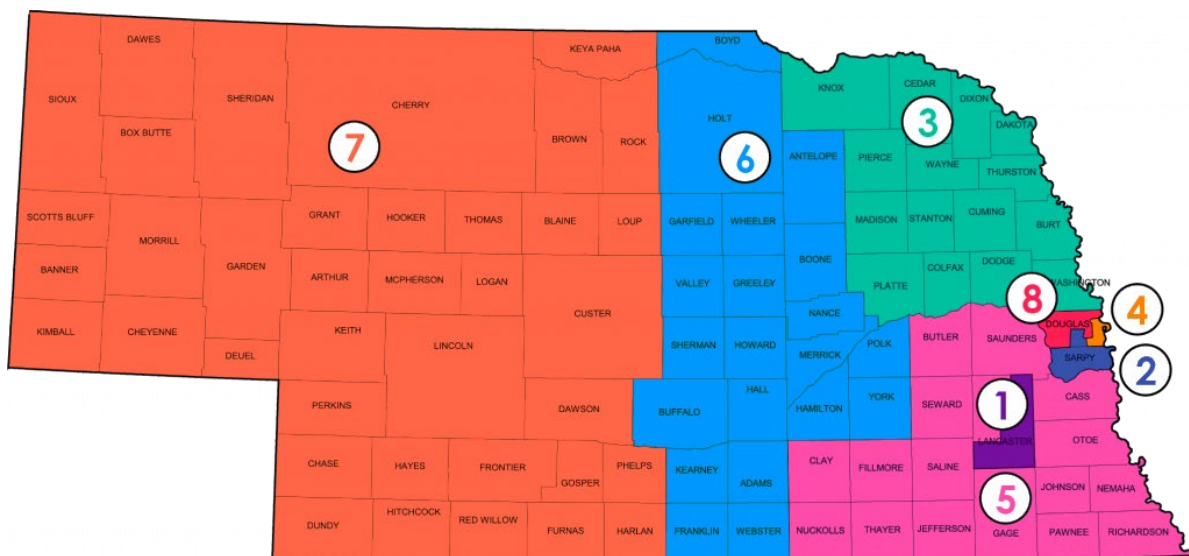
Terry Houlton
Sr. Janelle Buettner
Leslie Galloway, Recorder

STATE BOARD MEMBERS

DISTRICT

Matthew Blomstedt, Ph.D.	Commissioner of Education	
Patsy Koch Johns	Vice President	1
Lisa Fricke		2
Patti Gubbels		3
Jacquelyn Morrison		4
Patricia Timm		5
Maureen Nickels	President	6
Robin Stevens		7
Deborah Neary		8

NEBRASKA DEPARTMENT OF EDUCATION DISTRICT MAP



Funded by Nebraska Department of Education (NDE) Part B funds, grant H027A200079. Copies of this report, and additional information regarding SEAC and the NDE Office of Special Education can be obtained at <https://www.education.ne.gov/sped>



A NOTE FROM THE SEAC CHAIR

It is with immense respect that my four year term on SEAC comes to a close. This diverse group of parents and professionals are passionate about meeting the needs of students receiving special education services in our schools and it has been an honor to join them. My husband and I are the parents to three boys, all products of Nebraska Public Schools. Our middle son, now almost 19-years-old and in transition services, has autism and intellectual disability. My experiences as a parent and educator in this system have allowed me to represent both groups within our state.

Reflecting on this past year as SEAC Chair, I am proud of this group of professionals and parents. Collectively we managed, along with the rest of the world, to continue with the business at hand amidst a global pandemic. There was certainly nothing “usual” about business as usual, but we all adjusted. A sincere thank you to our NDE leadership and support staff for facilitating dialogue around the pressing issues and getting all voices “in the room” when the room itself did not exist!

Much of the council discussion revolved around the impact of COVID-19 on our students and the plans put forth at the state and federal levels to address these needs. The council also learned of the many legislative bills being introduced and/or amended that had the potential to affect students enrolled in special education services in Nebraska.

Members are always encouraged to bring concerns from their constituents, which may lead to the formation of Ad Hoc committees. This was the case in March of 2021, when a Functional Behavioral Assessments and Behavioral Intervention Plan Sub-Committee was formed to address concerns regarding a more proactive approach to addressing the behavioral needs of students in our schools.

As is always the case with any system, ongoing improvements continue and I leave you to that upcoming work confident that our students will continue to benefit from this advisory committees' dedication and recommendations.

Most respectfully,



Linda M. Safranek, MS, CCC-SLP
SEAC Chair 2020-2021



WHAT IS THE NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL (SEAC)?

The Special Education Advisory Council (SEAC) is an advisory panel established to provide policy guidance with respect to special education and related services for children with disabilities. SEAC members become knowledgeable about research-based educational practices and review Nebraska Department of Education, Office of Special Education activities designed to improve outcomes for children with disabilities. The Council reviews and approves Nebraska's State Performance Plan and Annual Performance Report.

SEAC Members are selected for a term of four years, and seek information from the perspectives of their constituency groups and share information with these same constituency groups. Members include parents and professionals from all areas of the state. SEAC serves in an advisory capacity to the NDE Office of Special Education, the Commissioner of Education, and to the Nebraska State Board of Education.

The responsibility of each Council member is to advise, (i.e. inform, counsel, recommend, suggest or guide) the Department of Education, not to advocate for individual issues. Recommendations are made by SEAC for the consideration and possible action by the NDE Special Education Office and the State Board.

The 2020-21 Executive Committee included: Terry Houlton, Kasey Alexander, Linda Safranek, Sr. Janelle Buettner, Kris Elmshaeuser, *Assistant Administrator of the Office of Special Education and Facilitator for SEAC*, and Amy Rhone, *Administrator of the Office of Special Education*.

REGULATORY AUTHORITY

By the authority of the Individuals with Disabilities Education Act of 2004, each state is required to have a state advisory panel that provides policy guidance in the area of serving children with disabilities. The IDEA regulations specify the duties and make-up of each state advisory panel. In Nebraska, this panel is called the *Nebraska Special Education Advisory Council*.

EXCERPTS FROM THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 2004 (IDEA):

I. Regulatory Authority for Committee

Sec. 1412(21)(A) *State Advisory Panel*

- a. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

II. Committee

Sec. 1412(21)(D)

- d. The state advisory panel shall –

- i. Advise the state education agency of unmet needs within the state in the education of children with disabilities;
- ii. Comment publicly on the state plan and rules or regulations proposed for issuance by the state regarding the education of children with disabilities;
- iii. Advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;
- iv. Advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and
- v. Advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

2020-2021 SEAC MEMBERSHIP

NAME	REPRESENTATION	TERM EXPIRATION	STATE BOARD DISTRICT
Kasey Alexander †	i, ii	2023	District 3
Jean Anderson §	v	2024	District 7
Paul Bohn §	x	2024	District 2
Amy Bonn	i	2022	District 2
Adia Brightman	v	2021	District 4
Sr. Janelle Buettner † §	vii	2024	District 1
Julie Czepa §	i	2024	District 2
Christina Edelbrock §	ii, vi	2024	District 4
Kristin Flott	i, vi	2022	District 4
Barb Gentrup	ii	2022	District 6
Brigid Griffin	viii	2023	District 3
Johanna Higgins	iii	2022	District 1
Terry Houlton †	v	2022	District 2
Samantha Jacobson	i, ii	2021	District 5
Kami Jessop	v	2022	District 8
Mary Jorgensen	i	2022	District 2
Tom Kadavy	i	2022	District 1
Seamus Kelly	i	2023	District 8
Renee Kiernan	i	2022	District 2
Tracey Kovar	vii	2022	District 4
Kristen Larsen	vi	2023	District 1
Matthew McNiff	i, vii	2022	District 5
Cathy Mohnike	iv	2023	District 1
Mandy Plog §	ii	2024	District 7
Dr. Felicity Post	iii	2023	District 5
Linda Safranek † ‡	i, ii	2021	District 8

Graciela Sharif	i, vi	2021	District 8
Heidi Sommer §	i	2024	District 2
Allison Wilson	ix	2021	District 1

LEGEND: (i) parents of children with disabilities (ages birth through 26); or Individuals with disabilities; **(ii)** teachers; **(iii)** representatives of institutions of higher education that prepare special education and related services personnel; **(iv)** State and local educational officials who carry out activities under Homeless Assistance Act; **(v)** administrators of programs for children with disabilities; **(vi)** representatives of other State agencies involved in the financing or delivery of related services to children with disabilities; **(vii)** representatives of private schools and public charter schools; **(viii)** not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and **(ix)** a representative from the State child welfare agency responsible for foster care; and **(x)** representatives from the State juvenile and adult corrections agencies. Special Rule – a majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

OTHER ASSOCIATES

Kris Elmshaeuser	NDE	SEAC Facilitator
Leslie Galloway	NDE	SEAC Recorder

SEAC MEMBERSHIP REQUIREMENTS

Categories of Required Representation

EXCERPTS FROM THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT – IDEA, SEC. 1412(21)(B):

- B. Membership – Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including—
- i. parents of children with disabilities (ages birth through 26); or Individuals with disabilities;
 - ii. teachers;
 - iii. representatives of institutions of higher education that prepare special education and related services personnel;
 - iv. State and local educational officials who carry out activities under Homeless Assistance Act;
 - v. administrators of programs for children with disabilities;
 - vi. representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
 - vii. representatives of private schools and public charter schools;
 - viii. not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and
 - ix. a representative from the State child welfare agency responsible for foster care; and
 - x. representatives from the State juvenile and adult corrections agencies.
- Special Rule – a majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

Special Rules – a majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities (ages birth through 26).

EXCERPT FROM NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL OPERATING PROCEDURES ARTICLE II, SEC. B:

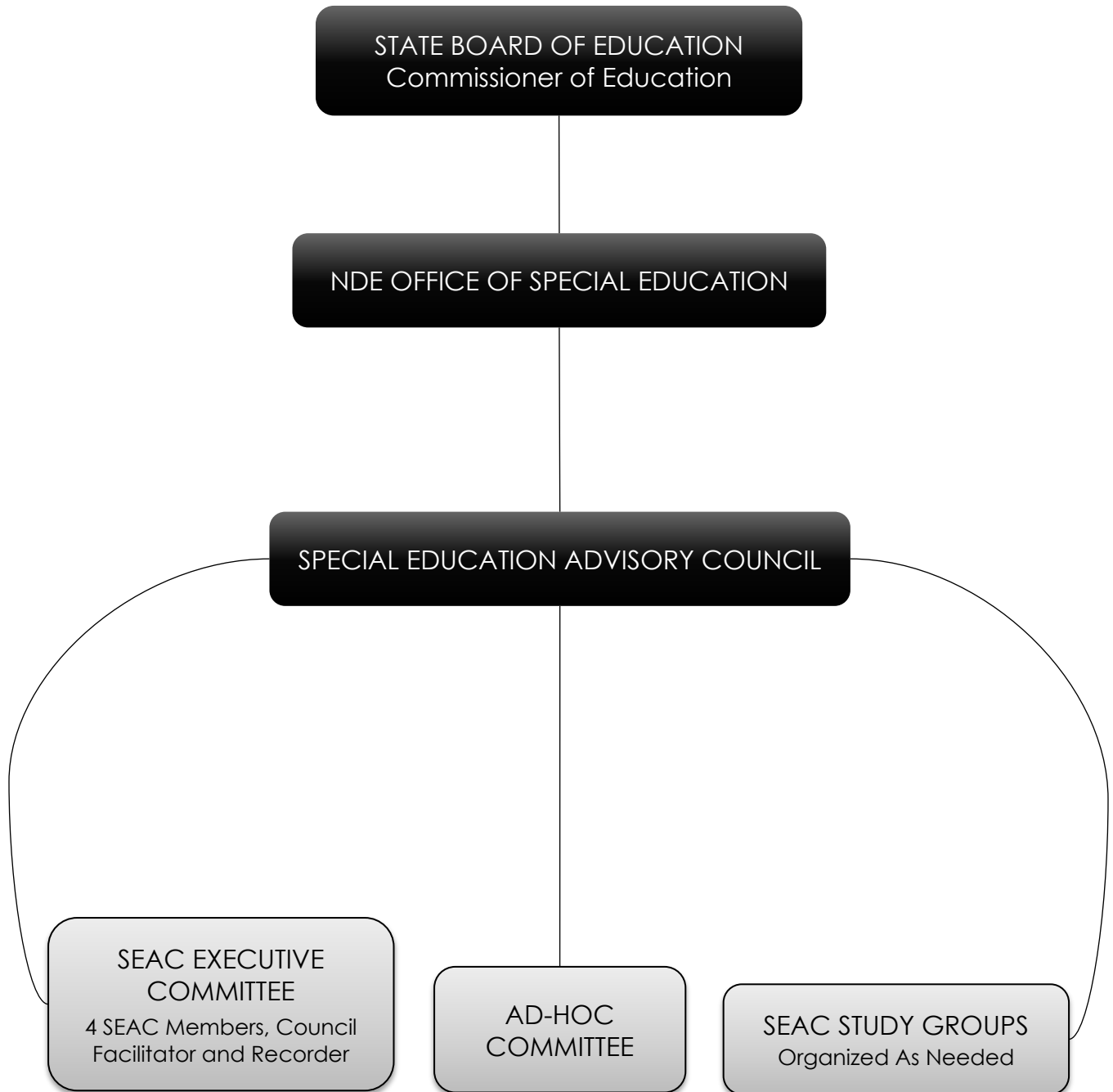
The members shall be selected so as to represent all eight of the State Board of Education election districts. The Council voting membership shall not be fewer than 15 members.

SEAC PRIORITIES

For the purpose of providing policy 4803y guidance to the Nebraska Department of Education, with respect to special education and related services for children with disabilities, the following priorities will serve for a focus of continuity as we transition from 2019-2020 through 2021-2022.

1. To participate in the development, review and revision of the State Systemic Improvement Plan Process with input on the Targeted Improvement Plan implementation at the local level to improve results for students with disabilities in the following areas:
 - a. Impact Area 1: Improving Academic Achievement, Functional Outcomes and Child Outcomes in Natural and Inclusive Environments
 - b. Impact Area 2: Improving Communication and Relationships Among Families, Schools, Communities and Agencies
 - c. Impact Area 3: Improving Transitions from the Early Development Network to Preschool and School to Living
2. To review the effectiveness of the current State Performance Plan (SPP) through the analysis of data in the Annual Performance Report (APR) to determine that Nebraska is demonstrating continuous improvement in the compliance and results indicators. To inform the NDE in the development and improvement of The LEA Level Determinations.
3. To monitor state and federal legislation, including the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA) to assure the linkage between ESSA and IDEA.
4. To inform NDE – The Office of Special Education in initiatives that are relevant to both federal and state priorities within special education, specific to:
 - a. Health/Medical
 - b. Family and Professionals Support
 - c. Discipline/Behavior - Suspension/Expulsion
 - d. Mental Health
 - e. Social/Emotional Learning
 - f. Transition Supports

SPECIAL EDUCATION ADVISORY COUNCIL STRUCTURE



REVIEWING THE WORK OF SEAC 2020-2021

The Special Education Advisory Council was not able to hold their first two meetings that were scheduled on September 17, 2020 and December 10, 2020. Both were canceled due to Covid-19. We were able to hold our next two meetings using a virtual meeting format on January 21, 2021 and March 18, 2021 - Via Zoom. Our last meeting on May 6, 2021 was held in a hybrid model both in person and via Zoom. The distance meetings was conducted as the result of a gubernatorial waiver provided to all state agencies that required face to face meetings per governmental stipulations. The status of COVID 19 clearly impacted not only the SEAC meetings of this year, but the provision of education to all students in Nebraska; especially those requiring special education.

A new member orientation meeting was provided at the first virtual meeting in January. Additionally, new Council members and current members reviewed the SEAC Priorities, received an overview of the Nebraska State Performance Plan, and were oriented to the Annual Performance Plan.

Prior to our three meetings, the SEAC Executive Committee met prior to each meeting to develop meeting agendas, monitor the progress of any SEAC committee work, and prioritize agenda items that required SEAC recommendations or specific actions.

At each meeting, SEAC members were afforded the opportunity to share information from their respective constituent groups, learned about professional learning activities sponsored by the Nebraska Department of Education – Office of Special Education, and engaged in learning about the status of critical initiatives.

This year's topics included Orientation of 6 new members, NDE updates including the Deaf or Hard of Hearing State Plan, State Systemic Improvement Plan, Equity and Monitoring Work being done with districts and Renewal and Acceleration as districts work to return to in person learning.

The council discussed several Legislative issues: LB 527 changes the age of transition for students who are 14 from the age of 16, LB 673 Education Behavior Awareness Act, SEAC recommended the Executive Board to write a letter to the State Board of Education sharing their concerns with this bill moving forward. LB 529 was also closely watched by the Council.

Functional Behavioral Assessments & Behavioral Intervention Plans was a main focus this year - Amy Bonn submitted a memo to the SEAC regarding parent concerns regarding the need for more individualized, proactive behavioral supports for students with disabilities

REVIEWING THE WORK OF SEAC 2020-2021 (CONT.)

(FBAs and BIPs) in the context of the unregulated use of restraint, seclusion, and exclusionary discipline in Nebraska schools, The memo was created to initiate discussion among members of SEAC about the potential need to make recommendations to the State Board about the preparation of regulations for special education programs in the state. The memo includes concerns from parents compiled via survey, examples from other states, and suggested courses of action. The memo was shared with all SEAC Members engaged in discussion around the topic and also a motion was made to create a SEAC sub-committee to propose making a recommendation to the State Board of Education. The NDE/OSE is also working to create a Guidance Document on the use of Functional Behavioral Assessments and Positive Behavioral Interventions.

SEAC priorities shaped the foundation of the construction of each SEAC meeting agenda. All SEAC agenda, with links to SEAC meeting minutes are included herein.



NEBRASKA

DEPARTMENT OF EDUCATION

NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

An advisory panel providing policy guidance to the Nebraska Department of Education with respect to special education and related services for children with disabilities.

Due to the Covid-19 pandemic, this meeting will be held via Zoom from 9 a.m. to noon, as we have clarified our ability to host a SEAC “distance” meeting due to Nebraska Governor Ricketts release from the face-to-face requirements from the public meetings act.

Join Zoom Meeting

<https://educationne.zoom.us/j/95214001343>

Meeting ID: 952 1400 1343

January 21, 2021

- | | | |
|--------------|--|------------------------------------|
| 9:00 | Zoom Meeting Begins | |
| 9:05 | Welcome | Kris Elmshaeuser
Linda Safranek |
| 9:15 | Welcome/Ice Breaker Activity | Kris Elmshaeuser |
| 9:30 | Council Business | Linda Safranek |
| | <ul style="list-style-type: none">• Open Meetings Law Announcement• Approval of January 21, 2021 Agenda*• Approval of April 30, 2020 Minutes*• Public Comment**• Notice of Conferences/Meetings• SEAC Member Updates/News/Sharing | |
| 9:45 | Orientation | Kris Elmshaeuser |
| | <ul style="list-style-type: none">• Responsibilities/Roles• Where to Find Information | |
| 9:45 | Introduction to the Office of Special Education Team | Amy Rhone |
| 10:15 | Covid-19 Update | Amy Rhone |
| | <ul style="list-style-type: none">• What happened March 2020-January 2021• Guidance• Federal Flexibilities/Waiver | |



- Facts
 - Increase in revocations – homeschool students, what we could see in the next few years
 - State Complaint increases (will span over the next three years)
- What’s to come

10:30 State Performance Plan/Annual Performance Report Robyn Okamoto

- SPP/APR 2021 – FFY 2019 Submission
- SPP/APR 2022 – FFY 2020 Submission
- State Systemic Improvement Plan (SSIP)

Kelly Wojcik

11:00 NDE – OSE Monitoring Teresa Coonts

- NeCounts, 2020 Monitoring Activities, 2021 Monitoring Activities

11:15 Significant Disproportionality Update Kris Elmshaeuser

11:30 Legislative Update Amy Rhone

11:45 Plans for 2021 Amy Rhone
Executive Order extended through April

Noon Adjourn Linda Safranek

*Items requiring Council action

**Per the SEAC Operating Procedures, opportunity for public comment is requested in advance

Next Meeting Date: March 18, 2021

Upcoming Conferences:

- February 23, 2021 - Transition Conference “Dream It, Plan It, Do It!” – Virtual
- April 8-9, 2021 - ASD Network State Conference – Virtual
- June 2-3, 2021 - Nebraska School Mental Health Conference – Tentatively at the Embassy Suites La Vista Conference Center (La Vista, NE)

NE SEAC Executive Committee Members

Linda Safranek Chair (2020-2021) Parent/Educator, Omaha, NE

Terry Houlton, (2021-2022) Director of Special Education Millard Schools, Omaha, NE

Kasey Alexander, (2022-2023) Educator, West Point Schools, West Point, NE

TBD, (2023-2024)



NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

Due to the Covid-19 pandemic, this meeting was held via Zoom with the allowance to host a SEAC “distance” meeting due to Nebraska Governor Ricketts's release from the face-to-face requirements from the public meetings act.

January 21, 2021

MINUTES

SEAC MEMBERS PRESENT: Alexander, Anderson, Bohn, Bonn, Brightman, Buettner, Cahill, Czepa, Edelbrock, Flott, Gentrup, Griffin, Jacobson, Kadavy, Kelly, Kiernan, Kovar, Larsen, McNiff, Plog, Post, Safranek, Sharif, Sommer, Wilson.

MEMBERS ABSENT: Higgins, Houlton, Jessop, Jorgenson, Mohnike.

NDE STAFF PRESENT: C. Chambers, J. Chambers, Coonts, Galloway, Gunderson, Hayes, Heater, Howard, Lenser, Miranda, Okamoto, Rhone.

SEAC FACILITATOR: Elmsphaeuser

This meeting of the Special Education Advisory Council (SEAC) commenced at 9:01 a.m. Public notification of the meeting was on the Nebraska Department of Education website and in the Omaha World-Herald.

Welcome – Kris Elmsphaeuser & Linda Safranek

Kris and Linda welcomed the committee and reminded everyone about open meeting laws.

Approval of January 20, 2021 Agenda

Kristin Flott made a motion to approve today's agenda. Jean Anderson seconded the motion and the motion passed unanimously by member voice vote.

The motion carried.

Motion to Amend April 30, 2020, Meeting Minutes

Kristen Larsen made a motion to amend the April 30, 2021 meeting minutes to replace “needs accessibility survey” with “needs assessment survey” and to reflect that Appendix K only relates to “home and community-based waiver services”. Barb Gentrup seconded the motion and the motion passed unanimously by member voice vote.

The motion carried

Approval of April 30, 2020, Meeting Minutes

Barb Gentrup made a motion to approve the amended minutes of the meeting. Brigid Griffin seconded the motion and the motion passed by member vote.

YES: Alexander, Bonn, Brightman, Czepa, Gentrup, Griffin, Jacobson, Kiernan, Kovar, Larsen, Post, Safranek, Sharif, Wilson.

Abstain: Flott

The motion carried.

Public Comment:

No individuals requested public comment.

Notice of Conferences/Meetings

- January 21, 2021 – Parent Training and Information Center (PTI) Community Resource Fair for Spanish-speaking families – 7 pm via Zoom
- February 23, 2021 - Transition Conference “Dream It, Plan It, Do It!” – Virtual
- April 8-9, 2021 - ASD Network State Conference – Virtual
- June 2-3, 2021 - Nebraska School Mental Health Conference – Tentatively at the Embassy Suites La Vista Conference Center (La Vista, NE)

Members were reminded to reach out to Leslie Galloway (SEAC Recorder) should they wish to attend a conference.

SEAC Member Updates/News/Sharing – Kris Elmshaeuser

Kris welcomed new SEAC members to the committee and allowed them the opportunity to introduce themselves.

Kris then shared with the committee that the Parents Rights Document that was originally being developed by the SEAC Ad Hoc Committee and later shared with and development completed by the Parent Training Information (PTI) is currently being reviewed by the State and final approval is expected soon.

Jean Anderson shared that the Nebraska Association of Special Education Supervisors (NASES) along with the Nebraska Council of School Administrators (NCSA) hosted a training session on the shortened day technical assistance document produced by NDE. The training focused on Individual Education Plan (IEP) teams using shortened days only as a short-term solution with data being reviewed often as the goal is always to have students in school all day. She also shared that there will be a virtual NASES/NDE training session on Feb 4, 2021. The training will focus on working together to ensure special education leaders across the state and NDE continue to build relationships and share information on improving services to children with disabilities.

Kristen Larsen, on behalf of the Nebraska Developmental Disabilities Council (DD Council), shared that the DD Council had conducted a needs assessment survey over the summer and that the survey report was created by their contractor, the Munroe-Meyer Institute (MMI), and is now available for viewing on the DD Council website. She went on to share that the council and planning committee members that serve on behalf of the council will use the results as well as any public comments to develop potential state plan goals and objectives.

Kristen continued by explaining to members that the DD Council is federally funded with every state and territory in the Nation having a council. The council’s main objectives are advocacy, capacity building, and making systemic changes to improve the lives of people of all ages with developmental disabilities. The targeted disparity for the Nebraska DD Council will be reaching out to non-English speaking families to ensure they have access to resources. The Council still considers employment as an area of need, as well as strengthening information for families and helping families connect with services. The Council strives to promote inclusion and advocacy in all areas including developing advocates in the state.

Brigid Griffin shared that Nebraska Vocational Rehabilitation (VR) is providing virtual services during the Covid-19 pandemic. She shared that Nebraska VR along with a cross-department team including the NDE Offices of Special Education and Career and Technical Education are reviewing proposals for potential summer programs across the state. She also informed members that VR has renewed their contract with PTI to continue providing family employment awareness training.

Orientation – Kris Elmsphaeuser

Kris spoke to the committee about understanding the Eight Advisory Council Functions under IDEA and reviewed the SEAC orientation materials, priorities, and operating procedures. Kris also talked about the importance of meetings, council functions, and how the meetings should run, etc. Covering such topics as agendas, confidentiality, consensus on voting, meeting minutes, public comment, etc., and how to use the resources provided on the SEAC Committee electronic platforms.

All members were encouraged to continue familiarizing themselves with all aspects of being a committee member and their responsibilities as such.

Introduction to the Office of Special Education Staff – Amy Rhone

Amy shared a brief presentation introducing all of the NDE Office of Special Education staff members and their roles within the office. Amy went on to explain that there are several new staff members within the office and that the office is hoping to finish filling the last couple of vacant positions soon.

Covid-19 Update – Amy Rhone

Amy discussed how schools reopening during the Covid-19 pandemic are facing extraordinary challenges at this time as well as the importance of recognizing the many questions and concerns parents have about what the return to school will look like for their children in special education. Amy assured the committee that the NDE continues to follow The Centers for Disease Control and Prevention and the American Academy of Pediatrics closely in regards to reopening K–12 schools. Amy went on to share through a timeline how guidance and/or support was provided to parents, families, educators, and districts by the NDE.

NDE encouraged districts to follow priorities for re-opening schools which included focusing on the safety, health, and welfare of students and staff members in the community, delivering services to as many students as reasonably possible in the best way possible, making sure documentation is focused, consistent, detailed, and demonstrates a good faith effort to provide good services, maintaining compliance during the pandemic and as much communication as possible. Amy reminded the committee that highly effective school districts will collaborate in good faith with parents and families to be proactive in an approach toward addressing the impact of Covid-19.

Amy then shared with the committee the NDE Launchne.com platform. This platform is full of tools, actions, opportunities, and resources to support the complex planning and preparation needed by Nebraska school systems as they worked to re-open schools and support students as they transitioned back to school buildings. The first guidance document emphasized to assist districts with re-opening was the Guidance for Summer School and Summer Learning. The purpose of this document is to provide guidance that school districts and school systems can use as they plan summer learning opportunities. Summer school is a strong strategy to ensure that all children continue their academic and social-emotional learning and receive the health services they need to continue their learning. The Learning Guidance for Students with Disabilities for summer programming and beyond document was also shared. This document helps districts and families to understand the importance of planning for students with disabilities when providing summer programming and reopening school buildings.

Amy also discussed that some researchers and preliminary studies are predicting significant learning loss for all students due to schools being closed. Amy shared that, the Nebraska Department of Education (NDE) believes that student learning is not lost, but rather each student may have unfinished teaching and learning that needs to be considered to accelerate each student's learning to grade level. The NDE will soon be releasing additional guidance intended to offer support toward school renewal and acceleration for all student's growth and success.

SEAC members were then advised that the U.S. Department of Education's Office of Special Education Programs (OSEP) recently shared information with States regarding the upcoming implementation of their updated Differentiated Monitoring and Support (DMS) activities as part of the Results Driven Accountability System. OSEP is implementing DMS 2.0 and this began October 1, 2020. DMS 2.0 uses a five-year cycle to assign States to cohorts, and monitoring will be conducted in three phases: 1) pre-site and preparation; 2) monitoring; 3) post-monitoring correction and technical assistance. With the announcement around DMS 2.0 came the announcement of Cohorts. Nebraska Part B and Nebraska Part C have been identified for Cohort 2. For States in Cohort 2, monitoring activities will begin in October of 2021. Cohort 2 monitoring will be conducted according to the following schedule: Phase 1 (2021-2022): Pre-site work and Preparation, Phase 2 (2022-2023): Monitoring and Phase 3 (2024-2025): Post-monitoring Correction and Technical Assistance

Amy shared that in June of 2020, the U. S. Department of Education released the 2020 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that Nebraska needs assistance in implementing the requirements of Part B of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2018 State Performance Plan/Annual Performance Report. Amy shared with members that the NDE Office of Special Education is grateful for this opportunity for improvement and will keep the committee informed of the process as it proceeds.

Lastly, Amy shared that November 29, 2020, marked the 45th anniversary of President Gerald Ford signing the Education for All Handicapped Children Act (Public Law 94-142), now known as the Individuals with Disabilities Education Act (IDEA).

State Performance Plan/Annual Performance Plan – Robyn Okamoto

Amy Rhone began by clarifying that the NDE Office of Special Education annually submits a state performance report on two-year-old data which is similar to the state performance plan, where the data is often correlated over multi-year spans. Amy assured members that it is always the NDE Office of Special Education's intent to share the most current data available at the state level with the committee.

Robyn then discussed the various data indicators explaining what is being reported and how the data is compiled. Robyn explained that the target for Indicators 1 (Graduation Priority Indicator) and 2 (Dropout) is set by the Governor for the state of Nebraska and therefore not something that can be adjusted. Indicator 3 (Assessment) was not reported on as due to Covid-19, NSCAS assessments were not given as the U.S Department of Education is waiving reporting on this indicator. When discussing Indicators 4A and 4B (Suspension/Expulsion Indicators), Robyn explained that these are compliance indicators and the target is set by OSEP. Indicator 5 (Educational Environments 6-21) and Indicator 6 (Preschool Environments), Indicator 7 (Preschool Outcomes) were also discussed.

Allison Wilson asked for clarification on when the office of special education becomes aware of the data as the data is two years old. Amy explained that while the data is two years old, that more often than not the data is expected due to the office having an additional year's submission it just isn't analyzed the way that the annual report requires and individual districts do have access to more current data. NDE does work with districts at the first indication of any potential data issues.

Jean Anderson asked if Nebraska as a state has ever met the preschool targets since switching to Teaching Strategies GOLD and Amy explained that, no, Nebraska has not. Amy and Robyn both went on to explain that in the last two years the percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program has significantly decreased. This indicates to NDE that it is the tool, NDE understands that this is an additional assessment component that districts are required to complete at the preschool level. NDE believes some of this could be attributed to GOLD at the preschool level having not been utilized at its fullest capacity. This is in part due to the professional learning required with GOLD

as well early childhood being an area hit especially hard by teacher shortages. These issues make it difficult for annual and continuous learning opportunities amongst preschool providers. Amy reiterated that this is a statewide concern.

Kristin Flott asked for clarification on early childhood teacher shortages across the state and what (if anything) is being done to identify and solve the factors that are causing this level of turnover. Amy explained that teacher and service provider shortage is a serious issue nationwide and specifically in Nebraska. Amy went on to share that a task force was created two years ago with one subset specifically focused on early childhood. Teachers shortages in special education are already an issue end, even more, so in early childhood. The first step in creating a solution was to create programs in higher education which has been done and now the focus is on attracting and retaining educators.

Jean Anderson and Mandy Plog both shared that while this is indeed a statewide issue, it is especially so in rural communities

Indicator 8 (Parent Involvement) was then discussed with Robyn explaining that this data is compiled from surveys sent to districts on a multi-year cycle report on the number of parents reporting schools facilitated parent involvement as a means of improving services. Indicator 9 (Disproportionate Representation Priority Indicator) and Indicator 10 (Disproportionate Representation in Specific Disability Categories Priority Indicator) were also reported on and again it was explained that these two indicators are compliance indicators and therefore their targets are set by OSEP. Indicator 11 (ChildFind), Indicator 12 (Early Childhood Transition), Indicator 13 (Secondary Transition Priority Indicator), Indicator 14 (Post-School Outcomes Survey) 14A Enrolled in Higher Education, 14B Enrolled in higher education or competitively employed within one year of leaving high school, 14C Enrolled in higher education, or some other postsecondary education or training program; or competitively employed or in some other employment, Indicator 15 (Resolution Sessions) and Indicator 16 (Mediations) was also discussed.

An open discussion was held amongst committee members regarding the above indicators, reporting of data, and how committee members can best advocate for their areas of representation moving forward.

Heidi Sommer asked if the target is always to have zero mediations/resolutions? She expressed that she views these as a positive way for parents to utilize their dispute resolution options and make things better moving forward. Robyn explained that yes it is and that the target is set by OSEP.

Robyn finished by sharing plans and expectations for the FFY2020 and FFY2021 submission of data.

Motion to Amend January 21, 2021, Agenda

Jean Anderson made a motion to amend today's agenda to move the next three agenda items to the March 18, 2021 meeting agenda due to time restraints for today's meeting. Barb Gentrup seconded the motion and the motion passed unanimously by member voice vote.

The motion carried

Legislative Update – Amy Rhone

Amy shared with the committee the nine current state legislative bills that the NDE has deemed to specifically have special education components within them.

LB 14 - This bill would allow an audiologist or speech-language pathologist to practice in the state of Nebraska if they meet current regulations, but expand to also allow those licensed through a member of the Audiology and Speech-Language Pathology Interstate Compact to practice in Nebraska.

LB 135 - This bill would increase the percentage of state reimbursement that would be provided to School Districts for special education and support services. This bill would amend sections of current state statutes relating to special education, 79-1142 and 79-1145. The changes are related to reimbursements; eliminating obsolete provisions; harmonizing provisions, and repealing the original sections. The bill adds language to 79-1142, subsection 3(b) that adds the ability for the department to begin in 2022-2023 and 2023-2024 to reimburse districts for special education and support services in the following fiscal year at least sixty percent of the total allowable excess costs for all special education. 3(c) adds the ability for the department in fiscal years 2024-25 and 2025-26, reimbursement would be at least seventy percent of the total allowable excess costs for all special education programs and support services. 3(d) adds the ability for the department in 2026-27 and each school fiscal year after to reimburse each school district in the following school year at least eighty percent of the total allowable excess costs for all special education programs and support services. The bill adds language to 79-1145, (2) For the fiscal year 2022-23 and each fiscal year thereafter, the aggregate amount of General Funds appropriated for special education programs and support services pursuant to sections 79-1129, 79-1132, and 79-1144 shall equal the amount necessary to fund the reimbursements required pursuant to section 79-1142. With these additions, Nebraska districts would see increased reimbursement on state funding to provide services to students with disabilities which will allow for different uses of local dollars that are currently being used to cover district sped costs.

LB 143 - This bill adds additional notification requirements to DHHS when changing a student's placement when that student is a state ward. This bill would amend section 43-285, to require DHHS to provide a notice of placement change to the appropriate school district for all state wards. The added language would require DHHS to notify the school where the child is enrolled when that student is a ward and the student's placement changes. If DHHS determines that it is not in the best interest of the student to remain at the current school, then DHHS would also notify the new school where the child will enroll. After an emergency placement change, the bill also requires DHHS to file a report of the notice of placement change to all interested parties including the school where the child is enrolled, or the new school as identified above. These language additions would allow more collaborative efforts between the Nebraska Schools and placement agencies to be able to provide continuity of educational opportunity for students who are wards. However, this bill only impacts state wards and does not address court wards and therefore there is no requirement for the local probation office to make the same notification for students removed from the home due to a delinquency adjudication.

LB 426 - Require the Department of Health and Human Services to conduct a cost analysis for capital improvement and structural changes at the Youth Rehabilitation and Treatment Center-Kearney and submit a report

LB 428 - Entitlement of juveniles at youth rehabilitation and treatment centers to receive an appropriate educational equivalent to educational opportunities offered in public schools

LB 473 - Adopt the Extraordinary Increase in Special Education Cost Act

LB 527 - would change the age in which transition planning was to begin to 14 from 16.

LB 607 - Clean up bill to correct the language in current state statute that states Individualized Education Plan to Program consistent with federal language

LB 673 - Adopt the Education Behavioral Awareness and Support Act and change the determination and certification of state aid to schools (We need to be very aware of this. Last year the council voted to allow the Executive Committee to write a letter to the sponsoring senator and the education committee to express the concerns. Should the council wish to do this again, we would entertain a motion to convene the executive

committee to review the previous letter and develop a subsequent letter based on members' written concerns. Council members will submit their written concerns to Leslie who will get the letter to the executive board for use in the development of the letter.

Motion to Convene the Executive Committee to Review the Previous Letter, Develop a Subsequent Letter Based on Members' Written Concerns, and to Submit the Letter Before the Legislative Hearing on LB-673

Matt McNiff made a Motion to convene the Executive Committee to review the previous letter, develop a subsequent letter Based on members' written concerns, and submit the letter before the legislative hearing on LB-673. Sr. Janelle Buettner seconded the motion and the motion passed unanimously by member voice vote.

The motion carried

Plans for 2021 – Amy Rhone

The President will issue Executive Order Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers which directs a national strategy for safely reopening schools, including requiring the Departments of Education and HHS to provide guidance on safe reopening and operating and to develop a Safer Schools and Campuses Best Practices Clearinghouse to share lessons learned and best practices from across the country.

The NDE Office of Special Education received this plan today through our National Association of State Directors of Special Education and will be working to get the pertinent information to our council in the next few weeks.

Approval to Adjourn Meeting

Matt McNiff made a motion to adjourn the meeting, Kristin Flott seconded, and the motion passed unanimously by member voice vote. The meeting adjourned at 12:13 p.m.

The Motion carried

The next meeting will be **Thursday, March 18, 2021, at 9:00 am** via Zoom Conferencing

Respectfully submitted by:

Leslie Galloway

SEAC Recorder



NEBRASKA

DEPARTMENT OF EDUCATION

NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

An advisory panel providing policy guidance to the Nebraska Department of Education with respect to special education and related services for children with disabilities.

Due to the Covid-19 pandemic, this meeting will be held via Zoom, as we have clarified our ability to host a SEAC “distance” meeting due to Nebraska Governor Ricketts’ release from the face-to-face requirements from the public meetings act.

Join Zoom Meeting

<https://educationne.zoom.us/j/8895237413?pwd=amdMVGxXU3J4ZXloQ2hJR3ZaZTNJQT09>

Meeting ID: 889 523 7413

Passcode: 2426

March 18, 2021

9:00 Zoom Meeting Begins

Welcome & Introductions

Kris Elmshaeuser
Linda Safranek

Council Business

Linda Safranek

- Open Meetings Law Announcement
- Notification posted in the Omaha World-Herald on March 4, 2021
- Approval of March 18, 2021 Agenda*
- Approval of January 21, 2021 Minutes*
- Notice of Conferences/Meetings
- SEAC Member Updates/New/Sharing
- Executive Board Meeting Report

Public Comment**

Review of SEAC Priorities 2020-2025

Linda Safranek

Changes to the Operating Procedures

Linda Safranek

- Article II Organization: Section D 1 & 2 Years on Executive Committee
- Article IV Meetings: Section B 6: Meeting time

New Committee Member Executive Board Election	Linda Safranek
Council Member Resignation Announcement	Linda Safranek
Notification of May 6, 2021, Meeting	Linda Safranek
Functional Behavioral Assessments & Behavioral Intervention Plans <ul style="list-style-type: none"> • Parent Concerns • NDE – OSE Guidance Documents in Progress 	Kris Elmshaeuser
Nebraska Olmstead Plan	Kris Elmshaeuser
Deaf or Hard of Hearing State Plan 2020	Amy Rhone
NDE Office of Special Education Team Reports <ul style="list-style-type: none"> • SSIP • Monitoring • Federal Equity Regulations • Due Process Case Report • Renewal and Acceleration Framework • Legislative Update 	Kelly Wojcik Amy Rhone Kris Elmshaeuser Amy Rhone Amy Rhone Amy Rhone
Adjourn	Linda Safranek

*Items requiring Council action

**Per the SEAC Operating Procedures, opportunity for public comment is requested in advance

Next Meeting Date: May 6, 2021

Upcoming Conferences:

- April 8-9, 2021 - ASD Network State Conference – Virtual
- June 2-3, 2021 - Nebraska School Mental Health Conference – Virtual

NE SEAC Executive Committee Members

Linda Safranek Chair (2020-2021) Parent/Educator, Omaha, NE

Terry Houlton, (2021-2022) Director of Special Education Millard Schools, Omaha, NE

Kasey Alexander, (2022-2023) Educator, West Point Schools, West Point, NE

TBD, (2023-2024)



NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

Due to the Covid-19 pandemic, this meeting was held via Zoom with the allowance to host a SEAC “distance” meeting due to Nebraska Governor Ricketts's release from the face-to-face requirements from the public meetings act.

March 18, 2021

MINUTES

SEAC MEMBERS PRESENT: Alexander, Anderson, Bohn, Bonn, Brightman, Buettner, Czepa, Flott, Gentrup, Griffin, Higgins, Houlton, Jacobson, Jessop, Kiernan, Kovar, Larsen, McNiff, Mohnike, Plog, Post, Safranek, Sharif, Sommer, Wilson.

MEMBERS ABSENT: Edelbrock, Jorgenson, Kadavy, Kelly.

NDE STAFF PRESENT: C. Chambers, J. Chambers, Galloway, Hayes, Lenser, Miranda, Okamoto, Pohl, Rhone, Tantow, Wojcik.

SEAC FACILITATOR: Elmshaeuser

This meeting of the Special Education Advisory Council (SEAC) commenced at 9:04 a.m. Public notification of the meeting was on the Nebraska Department of Education website and in the Omaha World-Herald.

Welcome – Kris Elmshaeuser & Linda Safranek

Kris and Linda welcomed the committee and reminded everyone about open meeting laws.

Approval of March 18, 2021 Agenda

Jean Anderson made a motion to approve today’s agenda. Kristin Flott seconded the motion and the motion passed unanimously by member voice vote.

The motion carried

Approval of January 21, 2021, Meeting Minutes

Sr. Janelle Buettner made a motion to approve the amended minutes of the meeting. Heidi Sommer seconded the motion and the motion passed unanimously by member vote.

The motion carried.

Notice of Conferences/Meetings

- April 8-9, 2021 - ASD Network State Conference – Virtual
- April 1-22, 2021 – Disability Policy Seminar - Virtual
- June 2-3, 2021 - Nebraska School Mental Health Conference – Virtual
- July 19-22 - National Project Search Conference – Virtual

SEAC Member Updates/News/Sharing – Linda Safranek

Graciela Sharif shared that services for A.R.I.S.E. (Awareness – Resources – Inclusion – Support – Empowerment) are being provided in partnership with PTI Nebraska. A.R.I.S.E. is a program of the Refugee Empowerment Center aiming to connect participants with beneficial resources and services, develop social support networks, alleviate the stress of caregivers, increase inclusion of people with disabilities in the wider community with private and confidential services, as well as by providing supply kits. At this time, services are limited to South Sudanese and Karen community members with the hope to expand programming in the future. There are no restrictions based upon the length of time in the U.S. or age of disabled person/s. Questions or Referrals should be directed to the South Sudanese Coordinator: Kwot Gilo – kwot@refugeeempowerment.org and the Karen Coordinator: Eh Soe Paw – ehsoepaw@refugeeempowerment.org

Brigid Griffin announced that she has accepted a new position and will be leaving Nebraska V.R. but plans to continue as a member of SEAC.

Kristen Larsen shared that the Nebraska DD Network will be co-hosting a listening session/stakeholders presentation on March 23, 2021, regarding upcoming changes to the Aged and Disabled (A&D) Waiver and the Developmental Disabilities Waiver. Representatives from DHHS will provide information on the potential changes. Information on how to participate will be provided via email after the conclusion of today's meeting.

SEAC Executive Committee Meeting Report – Linda Safranek

Linda shared that the Executive Committee met on January 26th, 2021 to draft a response on behalf of SEAC regarding Legislative Bill 643.

The board also met on March 10, 2021, to set today's agenda and to discuss possible changes to the SEAC operating procedures as well as concerns brought to the committee by member, Amy Bonn regarding functional behavioral assessments & behavioral intervention Plans. Both of these topics are on the agenda for discussion during today's meeting.

Linda also shared that Dr. Alice Cahill submitted her membership resignation to SEAC effective immediately.

Public Comment:

No individuals requested public comment.

Review of SEAC Priorities 2020-2025 – Kris Elmshaeuser

Kris briefly reviewed the four SEAC priorities and reiterated the focus of SEAC. The priorities are posted on the Nebraska Department of Education SEAC Website as well as the SEAC Google Site.

Motion to discuss the SEAC Operating Procedures

Kristin Flott made a motion for open discussion regarding the SEAC Operating Procedures. Tracey Kovar seconded the motion and the motion passed unanimously by member vote.

The motion carried

Changes to the SEAC Operating Procedures – Linda Safranek

Members discussed changing the operating procedures to allow for a five-member Executive Committee. When elected to the Executive Committee a member's term would become a 5-year term with the year precluding their 4-year membership term. In the fifth year on the council, the member will serve as past chair.

Members also discussed changing the operating procedures to reflect that meetings will conclude with an approved motion to adjourn rather than a scheduled time.

Motion to Amend the SEAC Operating Procedures

Kristin Flott made a motion to amend the SEAC Operating Procedures to include a five-member Executive Committee as well as adjusting the meeting schedule to reflect that the adjournment of meetings will conclude with an approved motion to adjourn. Jean Anderson seconded the motion and the motion passed unanimously by member vote.

The motion carried

New Committee Member Executive Committee Election – Linda Safranek

Nominations were made for the new member Executive Committee member representing the class of 2024. Paul Bohn and Julie Czepa respectfully removed themselves from consideration and Christina Edelbrock was not in attendance at today's meeting. Thus the nominees for new member executive committee consideration were Jean Anderson, Sr. Janelle Buettner, Mandy Plog, and Heidi Sommer. A ballot vote was conducted and Sr. Janelle was elected to serve on the Executive Committee.

Linda shared that Dr. Alice Cahill submitted her membership resignation to SEAC and that her position representing higher education would be filled as soon as possible.

Notification of May 6, 2021, Meeting – Linda Safranek

Linda announced that the next meeting is scheduled for May 6, 2021. Members were advised that they would be informed as soon as possible if the meeting will be held in-person, virtually, or as a Hybrid of both and that, that determination will be based on Executive Order or approval of Nebraska Governor Ricketts.

Functional Behavioral Assessments & Behavioral Intervention Plans - Kris Elmsphaeuser

Kris shared with the committee that parent member, Amy Bonn submitted a memo to the SEAC regarding parent concerns regarding the need for more individualized, proactive behavioral supports for students with disabilities (FBAs and BIPs) in the context of the unregulated use of restraint, seclusion, and exclusionary discipline in Nebraska schools

The memo was created to initiate discussion among members of SEAC about the potential need to make recommendations to the State Board about the preparation of regulations for special education programs in the state. The memo includes concerns from parents compiled via survey, examples from other states, and suggested courses of action. The memo has been shared with members in its entirety on the SEAC Google Site.

Amy summarized the memo for members and Kris shared with members guidance that is being created at NDE involving these concerns. Members then engaged in discussion around the topic and also discussed creating a SEAC sub-committee to propose making a recommendation to the State Board of Education.

Motion to Create SEAC FBA and BIP Sub-Committee

Kristen Larsen made a motion to create an FBA and BIP sub-committee within SEAC to create recommendations that will be proposed to the State Board of Education. Renee Kiernan seconded the motion and the motion passed unanimously by member vote.

The motion carried

Nebraska Olmstead Plan - Kris Elmshaeuser

In April 2016, LB1033 was signed into law, requiring the Department of Health and Human Services (DHHS) to “develop a comprehensive, effective working plan for placing qualified persons with disabilities in the most integrated community-based service settings. DHHS was also charged with appointing and convening a stakeholder advisory committee to assist in the review and development of the strategic plan.

In December 2019, DHHS submitted Nebraska’s initial Olmstead Plan to the Legislature as directed by LB570. LB570 not only directed DHHS to facilitate the development of a cross-disability Olmstead Plan, but recognized that DHHS could not implement such a comprehensive Plan alone, and appointed an expanded group of state agencies to an Olmstead Steering Group that would assist with Plan development and implementation.

Kris shared that she and Amy Rhone are part of the Education and Employment Individual Work Group within the plan that is focusing on ensuring Nebraskans with disabilities have increased access to education and choice in competitive, integrated employment opportunities and Nebraskans with disabilities receiving services and supports from a high-quality workforce. Kris reviewed these areas and their progress with members and the report is available on the SEAC Google Site.

Kristen Larsen explained that the plan is a working document that is evolving and that progress within the plan is being continuously tracked with periodic updates to the Legislature.

Deaf or Hard of Hearing State Plan 2020 – Amy Rhone

This plan was developed to support the concept of regional programs and cooperative relationships with the school districts, educational service units, and consortium of school districts to Maximize resources and services for children who are deaf or hard of hearing; Provide a network of support and services that will serve as the state infrastructure to link programs together and assist in the enhancement of a child’s educational program; Contain costs now to assure future funding; Provide continued support to quality educational programs in the continuum of placement; Reinforce the belief that children who are deaf or hard of hearing benefit from education and socialization with hearing and deaf or hard of hearing peers; Continue state leadership and support for a full continuum of placement options for children who are deaf or hard of hearing.

Amy shared with the committee that this state plan was recently updated and went over the plan and its updates with members.

State Systemic Improvement Plan (SSIP) – Kelly Wojcik

Kelly shared that NDE is now in Phase III Year 5 of setting the State Systemic Improvement Plan (SSIP) and discussed what has been done over the past year and where the plan is now. The federal Office of Special Education Programs (OSEP) changed the due date for the SSIP report from April 1 to Feb 1 starting in 2022. Kelly explained that this year was used to make sure all of the data and information necessary was compiled to be able to submit on time when the date changes. Kelly also explained that this year is the first time that OSEP provided states a template in which to provide their plan.

Kelly went on to explain to the members the required components of the SSIP which include, State-identified Measurable Result (SiMR), interim measures, infrastructure improvement strategies (previously Coherent Improvement Strategies), Stakeholder Engagement, and Covid-19 Impact. Kelly then explained each of these areas in greater detail.

NDE-OSE Monitoring – Amy Rhone

Amy discussed the monitoring timeline regarding Indicator 13 from August 2020-December 2022. Amy reminded members that the NDE Office of Special Education postponed monitoring and then in August of 2020 began again with the monitoring focus being on Indicator 13.

Amy shared that while some corrective action has been identified, nothing excessive that would rise to the level of statewide concerns was identified.

Corrective actions and how NDE assists in this process were also discussed.

Federal Equity Regulations – Kris Elmsphaeuser

Kris reminded members that at the January 2020 SEAC meeting, Dr. Tom Munk from Westat Presented to SEAC on the new Federal Equity Regulations and that the Equity team at the Office of Special Education worked to notify and work with districts around these new Federal Regulations.

Kris explained that Significant Discrepancy is a compliance standard for Indicators 4A/4B. This looks at the percent of Districts identified as having a significant discrepancy in the rate of long-term suspension and expulsion. Disproportionate Representation is also a compliance standard for Indicators 9 & 10. the percent of districts with disproportionate representation of racial and ethnic groups in 7 of the special education disability categories as a result of inappropriate identification through a review of policies, procedures, and practice. Kris explained how this is calculated and the significant discrepancy is lagged a year and taken from the 2018-19 school year

In Nebraska, No districts were identified for 4a. 4a compares students with disabilities who were suspended or expelled for more than 10 days to students with disabilities who were not suspended or expelled for more than 10 days.

4b looks at each racial or ethnic group for students with disabilities who were suspended or expelled for more than 10 days Four districts had at least one racial-ethnic group with at least 30 students with disabilities in a racial or ethnic group of whom at least 10 were long-term suspended.

One district was identified with a significant discrepancy in 4b because more than 5% of its black students and its multi-race students were long-term suspended or expelled. The Equity Team along with the support of Westat again did a review of the district PPP and found the district's policies procedures, and practices contributed to the significant discrepancy and do not comply with requirements. The district has been notified through a letter and a ZOOM meeting to discuss the corrective action plan that needs to happen.

For Disproportionate representation, The data must include all students ages 6-21 who receive special education or related services for B9 and for all those children who received special education or related services in a particular category for B10.

Once the district's calculations were defined for disproportionate representation district letters were sent requesting Policies, Procedures, and student files to look at practice. The NDE Equity team along with Westat reviewed each district's policies, procedures, and practices to determine who has disproportionate representation as a result of inappropriate identification. When the policies, procedures, or practices are not implemented appropriately, that would be considered noncompliance with IDEA, and that is when the disproportionate representation is a result of inappropriate identification. The number and % of districts in a state that fall into this

category are those reported in a state's SPP/APR. When non-compliance is identified, states must then take corrective actions to ensure that the district immediately corrects each instance of noncompliance and begins to implement the requirements appropriately. 15 districts were reviewed and none were found to have inappropriate identification.

Kris assured the committee that as the NDE Equity team has worked through this process, guidance is continuously updated with the goal being for districts to conduct their Policy, Procedure, and Practice review this next year and then have districts submit their review to NDE.

Due Process Case Report – Amy Rhone

During this quarter, NDE currently has one Due Process Case Report open and two that are filed but remain open. Nebraska is continuing to see a steady increase in Rule 51 and 52 Due Process Filings and expects that rate to increase even more as schools continue to transition back to in-person learning from remote learning during the Covid-19 Pandemic.

Renewal and Acceleration Framework – Amy Rhone

The Nebraska Department of Education (NDE) believes that student learning is not lost, much of that due to continuity provided by parents and caregivers during the period of remote learning. Rather, each student may have “unfinished teaching and learning” that needs to be considered to accelerate each student’s learning to grade level. An acceleration mindset readies students for new learning. In the next school year, merely “meeting students where they are” will not be enough. In addition to the resources provided to schools and parents previously on Launchne.com, the NDE has released additional guidance intended to offer support. As such, the NDE is working to shift the narrative in the following ways, from learning loss to unfinished teaching and learning, from recovery to renewal, and from remediation to acceleration

These shifts signal hope for the coming school year, communicate that student learning was not lost, and foster a growth mindset. Additionally, a call for a “renewal” asks all stakeholders to recommit to serving students who have been historically marginalized, including students of color, students with disabilities, the economically disadvantaged, and English learners.

Implementation of Nebraska’s Framework for School Renewal & Acceleration requires school districts and school systems to target resources to support four core actions, Anchor core instruction to high-quality instructional materials and content and move forward with appropriate supports and interventions, leverage and collect specific data to determine the level of support needed by all students, and in particular, students who have been historically marginalized, assess and attend to whole child needs while integrating and aligning to academic acceleration and to utilize community engagement and partnerships as strategies for maximizing every available resource.

Legislative Update – Amy Rhone

LB 135 – Education Committee - Increase the percentage of state reimbursement that would be provided to School Districts for special education and support services.

LB 143 – Speaker Priority Bill, General File - Require notice to school districts regarding changes in child placement

LB 428 – HHS Committee Priority - Entitlement of juveniles at a youth rehabilitation and treatment center to receive an appropriate educational equivalent to educational opportunities offered in public schools

LB 473 – General File - Adopt the Extraordinary Increase in Special Education Cost Act - has been moved to the general file

LB 527 – Speaker Priority Bill, General File - would change the age in which transition planning was to begin to 14 from 16.

LB 642 – Education Committee - Provide for reimbursements to school districts and educational service units for mental health expenditures

LB 673 – Adopt the Education Behavioral Awareness and Support Act and change the determination and certification of state aid to schools.

Amy reminded the members that during the 2019-2020 year, the council voted to allow the Executive Committee to write a letter to the sponsoring senator and the education committee to express concerns. Should the council wish to do this again, a motion to convene the executive committee to review the previous letter and develop a subsequent letter based on members' written concerns would need to be passed. Council members would then submit their written concerns to the SEAC Recorder.

Approval to Adjourn Meeting

Jean Anderson made a motion to adjourn the meeting, Sr. Janelle Buettner seconded and the motion passed unanimously by member vote. The meeting adjourned at 1:48 p.m.

The Motion carried

The next meeting will be **Thursday, May 6, 2021, at 9:00 am**

Respectfully submitted by:

Leslie Galloway

SEAC Recorder



NEBRASKA

DEPARTMENT OF EDUCATION

NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

An advisory panel providing policy guidance to the Nebraska Department of Education with respect to special education and related services for children with disabilities.

Due to Covid-19, this meeting is being held both in-person and via Zoom with permission via Governor Ricketts approval of LB 83e

Join Zoom Meeting

<https://educationne.zoom.us/j/8895237413?pwd=amdMVGxXU3J4ZXloQ2hJR3ZaZTNJQT09>

Meeting ID: 889 523 7413

Passcode: 2426

May 6, 2021

9:00 Zoom Meeting Begins

Welcome & Introductions

Kris Elmsxaeuser
Linda Safranek

Council Business

Linda Safranek

- Open Meetings Law Announcement
- Notification posted in the Omaha World-Herald on April 22, 2021
- Approval of May 6, 2021 agenda*
- Approval of March 18, 2021 Minutes*
- SEAC Members Terms
- Notice of Conferences/Meetings
- SEAC Member Updates/New/Sharing
- Executive Board Meeting Report

Public Comment**

Functional Behavioral Assessments & Behavioral Intervention Plans

SEAC Sub-Committee

Legislative Bills / Working Lunch

Kris Elmsxaeuser

NDE Office of Special Education Team Reports

- Technology

Amy Rhone
Jamie Chambers

Adjourn

Linda Safranek

*Items requiring Council action

**Per the SEAC Operating Procedures, opportunity for public comment is requested in advance

Next Meeting Date: September 9, 2021 (tentative)

2021-2022 Meeting Dates (tentative)

September 9, 2021
December 9, 2021
March 17, 2022
May 12, 2022

Upcoming Conferences:

- June 2-3, 2021 - Nebraska School Mental Health Conference – Virtual
- July 5-31, 2021 – Midwest Transition Institute – Virtual
- July 14-15, 2021 – Nebraska Deaf-Blind Summer Institute – Virtual

NE SEAC Executive Committee Members

Linda Safranek Chair (2020-2021) Parent/Educator, Omaha, NE
Terry Houlton, (2021-2022) Director of Special Education Millard Schools, Omaha, NE
Kasey Alexander, (2022-2023) Educator, West Point Schools, West Point, NE
Sr. Janelle Buettner, (2023-2024) Principal, North American Martyrs Catholic School, Lincoln, NE

Understanding the Advisory Council Functions under IDEA

All Council activities should relate to one or more of the functions

1. Advise the SEA of unmet needs within the State in the education of children with disabilities. CFR 300.169(a)
 - a) Training educators on working with children with Autism
 - b) Students not being adequately served in juvenile and adult correctional facilities
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. CFR 300.169(b)
 - a) The federal law is reauthorized, and the State makes revisions to their regulations
3. Advise the State in developing evaluations and reporting on data to the Secretary under Section 618 of the Act. CFR 300.169(c) *Grown the most since 2004
 - a) The SEA is reviewing and refining APR improvement strategies
 - b) Upon completion of a State and school district drill down, it was concluded that students with disabilities had lower graduation rates than students without disabilities.
4. Advise the State in developing corrective action plans to address finding identified in federal monitoring reports under Part B of the Act. CFR 300.169(d)
 - a) The State has just experienced an OSEP Visit and was found to be in noncompliance on various fiscal issues.
5. Advise the State in developing and implementing policies relating to the coordination of services for children with disabilities. CFR 300.169(e)
 - a) The SEA is proposing a new MOU with the Department of Corrections
 - b) The SEA is revising its MOU with the Department of Health
6. The SEA, after deleting personally identifiable information must
 - Provide the Advisory Council with the DPH findings and decisions and
 - Make those findings and decisions available to the public. CFR 300.513(d) & 300.514(c)
 - a) DPH decisions identify consistent issues.
 - b) The SEA has experienced a spike in DPHs
7. Waiver of non-supplant requirement. State must consult with the Advisory Council regarding provisions of FAPE. CFR 300.164(c)(4)
8. States retain discretion to determine the risk ratio threshold above which disproportionality is significant so long as that threshold is reasonable and based on advice from their stakeholders, including their State Advisory Councils. 34 CFR 600.647(b)(iii)(A)



NEBRASKA SPECIAL EDUCATION ADVISORY COUNCIL

This meeting was held in person at the Embassy Suites – Lincoln & virtually with Nebraska Gov. Ricketts approval of LB 83e allowing virtual conferencing under the open meetings act.

May 6, 2021

MINUTES

SEAC MEMBERS PRESENT: Anderson, Bohn, Bonn, Buettner, Czepa, Edelbrock, Gentrup, Griffin, Higgins, Houlton, Jacobson, Jorgenson, Kiernan, Kovar, Larsen, McNiff, Mohnike, Plog, Safranek, Sharif, Sommer, Wilson.

MEMBERS ABSENT: Alexander, Brightman, Flott, Jessop, Kadavy, Kelly, Post.

NDE STAFF PRESENT: C. Chambers, J. Chambers, Galloway, Gunderson, Howard, Lenser, Miranda, Okamoto, Rhone, Tantow.

SEAC FACILITATOR: Elmshaeuser

This quarterly meeting of the Special Education Advisory Council (SEAC) commenced at 9:00 a.m. Public notification of the meeting was on the Nebraska Department of Education website and in the Omaha World-Herald.

Welcome – Kris Elmshaeuser & Linda Safranek

Kris and Linda welcomed the committee and reminded everyone about open meeting laws.

Approval of May 6, 2021 Agenda

Jean Anderson made a motion to approve today's agenda. Tracey Kovar seconded the motion and the motion passed unanimously by member voice vote.

The motion carried.

Approval of March 18, 2021, Meeting Minutes

Sr. Janelle Buettner made a motion to approve the minutes of the meeting. Renee Kiernan seconded the motion and the motion passed unanimously by member roll call vote.

The motion carried.

SEAC Members Terms – Linda Safranek

Linda shared with the committee that along with herself, Adia Brightman, Samantha Jacobson, Graciela Shariff, and Allison Wilson's terms were ending. Cathy Mohnike announced that she would be retiring and thus resigning her membership position. Linda thanked all of these members for their time on the SEAC and announced that membership plaques would be delivered to them at a future date.

As for recruitment, some of the members whose terms are ending are considering renewing their membership and the recruitment process for new members has also begun.

Notice of Conferences/Meetings – Linda Safranek

- June 2-3, 2021 - Nebraska School Mental Health Conference – Virtual
- July 5-31, 2021 – Midwest Transition Institute – Virtual
- July 14-15, 2021 – Nebraska Deaf-Blind Summer Institute – Virtual
 - Register at: [Nebraska Deaf-Blind Summer Institute](#)
- PTI Events – [Full Calendar Here](#)
- October 7-8, 2021 – NeMTSS Summit – Essentials for Renewal & Acceleration – Virtual
 - Register at: [NeMTSS Summit 2021](#)

SEAC Member Updates/News/Sharing – Linda Safranek

No members requested to share any updates.

Executive Committee Meeting Report – Linda Safranek

Linda shared that the executive committee met on April 28, 2021, to discuss today's meeting agenda items as well as potential meeting dates for the 2021-2022 SEAC term year.

Public Comment:

No individuals requested public comment.

Functional Behavioral Assessments & Behavioral Intervention Plans – SEAC Sub-Committee – Amy Bonn

Pursuant to Article 1, Section B of the Operating Procedures for the Nebraska Special Education Advisory Council, a SEAC Functional Behavioral Assessments & Behavioral Intervention Plans (BPA & BIP) subcommittee was created, to develop possible recommendations for the SEAC to make to the State Board.

On April 12, 2021, the subcommittee met to discuss the need for increased and improved use of formal functional behavioral assessments (FBAs) and behavioral intervention plans (BIPs) in schools to support children with disabilities who experience challenging behaviors as a result of their disabilities. The subcommittee discussed the need for amendments and additions to current special education regulations in order to create legal requirements and accountability measures for local education agencies. Amy discussed with members that Nebraska is one of five states that does not have legislation or regulations that restrict or limit the use of restraint/seclusion and explained that the subcommittee based their work on constituency survey results, laws in other states, and subcommittee members recommendations.

Amy then, along with other members of the subcommittee led an in-depth discussion, of each section of the proposed recommendations and gathered additional recommendations and revisions from the committee at large.

The subcommittee will work to finalize the development of these recommendations and when completed and, by a majority vote of the council, finalized recommendations will be sent to the State Board of Education.

Approval to Adjust Meeting Agenda

Sr. Janelle Buettner made a motion to adjust the meeting agenda to allow for the NDE Office of Special Education Team Reports to be the next scheduled agenda item, Barb Gentrup seconded, and the motion passed unanimously by member vote.

The Motion carried

NDE Office of Special Education Team Reports – Amy Rhone & Lane Carr

Amy Rhone explained that the American Rescue Plan (ARP) - Renewal, and Acceleration was signed into law on March 12, 2021. The \$1.9 trillion package is the largest stimulus package that has passed since the start of the Covid-19 pandemic and includes \$130 billion for elementary and secondary schools, \$40 billion for higher education, and \$40 billion for early childhood education. It is the first stimulus package to include funding for the Individuals with Disabilities Education Act (IDEA), with an additional \$3 billion being earmarked. This targeted funding for IDEA will help schools and districts meet the needs of the 7.1 million (14% of the PreK-12 population) public school students with Individualized Education Plans (IEPs) which include those with cognitive, physical, emotional behavioral, and other disabilities. The ARP provides funding for various parts of IDEA for children with disabilities from birth to age 21. \$2.58 billion is set aside for state grants under IDEA, Part B (the largest of the four IDEA parts), \$200 million for preschool grants under IDEA, Section 619, and \$250 million to support infants and toddlers with disabilities under IDEA Part C. Although specific guidance has yet to be released in regards to the use of ARP funds for local educational agencies, districts should start thinking now about how students with disabilities can benefit from planning for school renewal and acceleration and how current ESSERS 1 and II planning is incorporating students with disabilities and the shift in mindset to develop inclusive programming and supports for all students

Lane Carr, the Director of Accountability for the NDE, also spoke about the ARP and explained the federal investment provides a significant, transformation, one-time investment in education. Lane also spoke about ensuring the commitment to stakeholder engagement and how the NDE is seeking input on the greatest needs and opportunities for the best investment of these funds. Lane also shared that districts and the NDE must be able to accurately leverage state resources with these funds in the best way possible for the students of Nebraska. Lane explained the key shifts in language and highlighted the key considerations for systems, high-quality instructional materials, diagnosing unfinished teaching and learning, planning for acceleration, ensuring equitable instruction, and professional learning.

Lane then led discussion amongst the committee by questioning, what has been the greatest needs facing students and communities during the Covid-19 pandemic, if money weren't a barrier, what investments would members make in their school and community to transform education, and which state and local investments should be made to prioritize students who have been historically marginalized. Lane also asked members for input on what are the most important strategies local school districts could implement as part of their investments, what statewide supports could/should NDE provide through our investments, and ways to better recruit, support, and retain teachers and leaders during this time.

Amy reminded committee members of the upcoming Deaf-Blind Summer Institute being held virtually July 14-15 as well as the NeMTSS Summit also being held virtually October 7-8. Registration information for these events is included in the notice of conferences/meetings section of the minutes. Amy finished by reminding members that the Statewide Special Education Webinar is held on the last business day of each month (except for July and December) and anyone interested is encouraged to participate. She also explained that when applicable, Statements on Special Education (S.O.S.) which are questions submitted by participants are answered during the webinar and may be accessed on the [NDE Office of Special Education S.O.S. page](#).

Legislative Bill 529 – Terry Houlton

Terry led the committee in discussion regarding amendments being proposed to LB 529 which is a bill designed to allocate lottery funds in education including a section regarding behavioral interventions. There have already been several attempts to amend this bill with each attempt reverting to the original LB 147 (Restraint/Seclusion)

language which is of great concern to many, including the SEAC. While the SEAC as an entity cannot take an official stance, it can continue to make recommendations to the State Board of Education, and individual members are allowed to inform Senators they are against the amendments as an individual constituent. People must understand that LB 529 was proposed in one format and is now being significantly revised and/or amended to the original LB 147 language which was previously rejected due to various concerns for both students with disabilities as well as general education students. It is unknown at this time when this discussion will be brought to the floor, making it imperative that the SEAC make recommendations to the State Board of Education at the earliest possible time. The FBA/BIP subcommittee will finalize the recommendations and present the finalized draft to the SEAC in the Fall of 2021 for a majority approval vote before submitting the recommendations to the State Board.

The possibility of the NDE creating and recording a required training piece regarding behavioral interventions that is accessible throughout the year was also suggested.

Approval to Adjourn Meeting

Matt McNiff made a motion to adjourn the meeting, Brigid Griffin seconded, and the motion passed unanimously by member vote. The meeting adjourned at 2:16 p.m.

The Motion carried

The next meeting will be **Thursday, September 9, 2021, at 8:30 am** in-person at the Embassy Suites – Lincoln and possibly via Zoom Conferencing.

Respectfully submitted by:
Leslie Galloway
SEAC Recorder

UNDERSTANDING THE ADVISORY COUNCIL FUNCTIONS UNDER IDEA

All Council activities should relate to one or more of the functions

1. Advise the SEA of unmet needs within the State in the education of children with disabilities. CFR 300.169(a)
 - a. Training educations on working with children with Autism
 - b. Students not being adequately served in juvenile and adult correctional facilities
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities. CFR 300.169(b)
 - a. The federal law is reauthorized and the State makes revisions to their regulations
3. Advise the State in developing evaluations and reporting on data to the Secretary under Section 618 of the Act. CFR 300.169(c) *Grown the most since 2004
 - a. The SEA is reviewing and refining APR improvement strategies
 - b. Upon completion of a State and school district drill down, it was concluded that students with disabilities had lower graduation rates than students without disabilities.
4. Advise the State in developing corrective action plans to address finding identified in federal monitoring reports under Part B of the Act. CFR 300.169(d)
 - a. The State has just experienced an OSEP Visit and was found to be in noncompliance on various fiscal issues.
5. Advise the State in developing and implementing policies relating to the coordination of services for children with disabilities. CFR 300.169€
 - a. The SEA is proposing a new MOU with the Department of Corrections
 - b. The SEA is revising its MOU with the Department of Health
6. The SEA, after deleting personally identifiable information must
 - Provide the Advisory Council with the DPH findings and decisions and
 - Make those finding and decisions available to the public. CFR 300.513(d) & 300.514(c)
 - a. DPH decisions identify consistent issues.
 - b. The SEA has experienced a spike in DPHs
7. Waiver of non-supplant requirement. State must consult with the Advisory Council regarding provisions of FAPE. CFR 300.164(c)(4)
8. States retain discretion to determine the risk ration threshold above which disproportionality is significant so long as that threshold is reasonable and based on advice from their stakeholders, including their State Advisory Councils. 34 CFR 600.647(b)(iii)(A)

2021-2022 SEAC MEETING SCHEDULE

All meetings are held at the Embassy Suites, located at 1040 P Street in Lincoln, Nebraska. They begin at 8:30 a.m. and conclude when a motion to adjourn has been approved. Some meetings may also be attended via Zoom.

September 9, 2021

December 9, 2021

March 17, 2022

May 12, 2022

Further information regarding SEAC or this report may be directed to Kris Elmshaeuser at kris.elmshaeuser@nebraska.gov.