

Iowa Special Education Advisory Panel

February 24, 2023

Present: Jennifer Aldrich, Jennifer Anderson, Joy Barlean, Cynthia Blackard, Johnna Deaton-Davis, Casey Force, Shannon Grundmeier, Rhonda Haitz, Tami Hoffman, Jessica Iverson, Lori Janke, Amy Knupp, Amy Llewelyn, Lee Longmire, Kim Neal, Keri Osterhaus, Tammy Schaapherder, Lisa Shaw, Sandra Smith, Rachel Terry, Karen Thompson, Rebecca Torres, Joel Weeks, and Doug Wolfe.

Zoom: Mary Jackson

Absent: Dawn Bonsall, Genevieve Hart, Pam Litterer, Bryan Paulson, and Sonia Reyes

Department Staff Present: Barb Guy, Nancy Hunt and Beth Buehler-Sapp

Presenters: Barb Guy, Iowa Department of Education

Guests: Rohey Sallah, Iowa Department of Corrections, Chase Hyde, Waukee CSD (Student Teacher)

Public Comment: None

Handouts:

- Agenda
- Minutes from 11/18/22 meeting

Welcome/Introductions

The meeting was called to order by Jessica Iverson, Chair at 9:05 a.m. Introductions were made around the room.

Consent Agenda

Minutes were reviewed by the panel members. Doug Wolfe made a motion to approve the minutes. Keri Osterhaus seconded the motion. A vote was taken with no abstentions and the minutes were approved.

Legislative Update – Rachel Bosovich, Iowa Department of Education

The Bill for Education Savings Accounts (ESA's) also known as School Vouchers has passed by the legislature and signed into law by Governor Reynolds. March 3rd will be the end of first funnel week within the legislature so more proposed legislation on other items will be passed or eliminated based on legislative action.

A government realignment bill has been introduced by the Governor's Office and will be proceeding through the legislature for finalization. Changes that affection the Iowa Department of Education would be as follows:

The Iowa Board of Educational examiners and the Iowa School for the Deaf would be under the Dept. of Education instead of as independent agencies. Also, Iowa Vocational Rehabilitation Services (IVRS) would move from under the Dept of Education to under Iowa Workforce Development.

When IVRS moves from under Education to Workforce Development they will no longer have access to ACHIEVE. The Department of Education is aware of this and is working on it.

Thomas informed the panel that all 120 Chapters of Iowa Code have to be re-examined and this is required to be done by December 31st, 2023. Starting September 1st, a cost benefit analysis would be required with the repeal entirely or repeal and replace of any number of statutes. Regulatory Analysis is part of Chapter 41.

HSF285 - This bill would require excused absences from school for therapy or ABA therapy or other medically necessary appointments.

There are numerous bills regarding Teacher Licensure and Age Requirements and one for Paraeducators eligibility being lowered to 18 years of age or older. Some inherent conflicts are anticipated due to the possibility of the 18-year-old being so close to the age of their students.

There is also a movement by some people to potentially reorganize the BOEE Board of Educational Examiners which is currently made up of licensed professionals and two community members to being made up of more parents to be appointed by the Governor. Parent rights and voice is a big movement right now and more examination is desired before decisions are made.

There is also a big push for a Comprehensive School Improvement Plan (CSIP) to no longer be required.

Several other topics such as gender identity and social emotional health are also areas which some people want to see eliminated from consideration. Another big topic is Firearms education in schools HSF73 which has many opponents and proponents.

There is also a bill proposed that would strike gender identity from the Iowa Civil Rights act which currently has this as a protected status.

House subcommittees typically have 3-15 members and consist of a vote on the bill, then floor debate and then discussion and all committee members being able to vote on a motion. Bills on taxes and public safety are excluded from these requirements and these can be introduced at any time by ranking senate members.

SSF1143 States that any Board or Commission established by code has to dissolve within 5 years and has to have a plan for dissolution. There is also a board called the Iowa Advanced Funding Authority which doesn't make public its actions and has no record of any activity/actions for many years can be found. Hence it shall be dissolved.

Karen Thompson asked if DE panels/councils such as the SEAP Panel, Iowa Autism Council, Child Health Coordinating Council, Early Access Council, and Early Childhood panels/councils would be subject to SSF1143? Thomas could not provide a definite answer for this.

Doug Wolfe noted that choice is probably in the implementation (executive order 10). Items typically pass along party lines when one party has majority control.

After March 3rd, which is the deadline for the first funnel completion, some bills will have died if they do not have support. Those that live on will receive the benefit of future consideration.

The Iowa Department of Education's website has a legislative update section where people can check on legislative updates and this is updated daily.

Due Process Decisions – Rachel Bosovich, Iowa Department of Education

There were 19 Due Process complaints during the last school year. Rachel provided a summary of the following decisions:

Decision: Gilbert Community School District, Dept. Ed. Docket No. SE-537; DIA No. 22DOESE0002

An Expedited Due Process Complaint was brought by the District and AEA.

Within the span of a month, the student engaged in several incidents of physical violence against staff and peers. The incidents increased in nature and occurred across various settings. During these incidents, the student made comments regarding knowing how to operate a firearm. Student also made comments about wanting to die and would engage in self harming behaviors, such as slamming his head into concrete. The days in which the student was suspended for these incidents accumulated to ten days, at which point the IEP team engaged in a manifestation determination. These behaviors were determined to be a result of the student's disability, which normally necessitates returning the child to their current placement. However, due to the significant likelihood that the student would harm himself or others, the public agencies wished to modify the student's placement by placing the student in a more restrictive environment and gradually increasing the student's exposure to the general environment in order to better determine triggers and aid in the student's ability to cope with triggers. However, the parents rejected the proposal offered by the public agencies and wished to have the student returned to his current placement.

The District then placed the student in online learning in the interim due to significant safety concerns and sought an expedited due process hearing.

The questions presented were thus: (1) Was the unilateral removal of the student to the interim setting appropriate? and (2) Would maintaining the current placement of the student be substantially likely to result in the injury of himself or others? The ALJ concluded yes to both questions.

In regards to question number one, federal regulation, 34 CFR 300.532(a), states: "an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by request for a hearing." OSEP has clarified the language of "the decision" in this regulation to mean, "a situation where a child has been removed from the current placement pending the manifestation determination, and the LEA seeks a hearing officer's intervention to challenge the decision to return the child to the current placement as a result of the manifestation determination." Further, IAC 41.530(3) dictates that during an expedited appeal, the child must remain in the interim alternative education setting pending the decision. Therefore, the ALJ concluded the removal of the student to the interim setting was appropriate.

In regards to question number two, the ALJ considered the nature, extent, timing and frequency of the student's conduct, in accordance with case law from the Eighth Circuit Court of Appeals, and found, ". . . this is not a close case. There can be no serious dispute that maintaining the student's educational placement would result in a substantial risk of injury to himself and to others."

Decision: Cedar Rapids Community School District, Dept. Ed. Docket No. SE-538, DIA No. 22DOESE0003

Complainant took advantage of the district's intra-district attendance permit policy which allows parents to request that their child attend a school outside of their residential attendance area. Under this policy, parents with approved attendance permits are responsible for transporting their child to the approved school. Complainant requested the student attend Kennedy high school rather than Washington high school, which was the assigned geographic attendance center. The high schools have substantially similar offerings, with the exception of a "coffee club", and Washington high school was able to provide the student with all the necessary services.

Complainant alleged the district violated her child FAPE by failing to place the student at Kennedy pursuant to his IEP and by denying the student with specialized transportation to Kennedy. Complainant's allegations were denied and the district was found to have provided FAPE.

Complainant's assertion that Kennedy should have been named as the student's required placement pursuant to the IEP was rejected because Washington was able to provide all the same services with exception of the school having a coffee club. The coffee club was found not to be necessary for the child to receive a FAPE as there were several other ways for the child to engage socially. Therefore, it was a voluntary decision on behalf of Complainant to enroll her child at Kennedy and neither Iowa law nor the IDEA require districts to provide transportation when the student's travel is a result of parent choice.

By-Law Committee Report and Discussion – Jessica Iverson, Chair

Summary of the discussion:

- The word panel is part of code.
- A foster care representative is a required seat on the panel.
- DHS – Department is now HHS – Health and Human Services
- Gender Balance – this is not in code but is an agency decision. This is a goal rather than a requirement.
- Edit – Shall strive to reflect racial, gender, and ethnic balances.
- Term Limit – All Members shall only be allowed to serve 2 terms
- Election Committee provides screening and appointing authority is the agency director.
- Section 6 – Change the name of the bureau.
- Virtual attendance is approved for each meeting on a case by case basis.
- Per article 7, section 1, Meetings are open to the public (follows law).
- Meetings shall be in person unless it's impossible/impractical.
- Each previous meeting's minutes shall be reviewed, voted on, and passed.
- Approved meeting minutes shall be posted on the official website.

Joel Weeks made a motion to approve the edits to the Panel By-Laws. Tammy Schaapherder seconded the motion. The motion passed.

IDEA Differentiated Accountability Data – Barb Guy, Iowa Department of Education [Slide Deck]

Barb provided an IDEA-DA refresher to remind the Panel members of the process, how the support levels are assigned, the implementation plan requirements and the supported focus areas.

Barb also reported on the results of Support Level Identification. See the table below.:

Range of Districts Scores Associated with Support Levels Assignments

Score Range	Tier	Number of Districts
53.60 - 62.51	Tier 3	N = 33 (lowest 10%)
62.52 – 65.00	Tier 2	N = 65
65.01 – 81.46	Tier 1	N = 229

A district will see the following in the Consolidated Accountability and Support Application (CASA):

- Score
- Tiered Support
- Part B Determination
- Every district got their score according to the elements

The distribution of Tier 3 Support areas:

Literacy – 15 districts

Secondary Transition – 17 districts

Mixed data – 1 district.

IDEA-DA Timeline

The district level data review for Tier 3 support begins in March. The outcome of the data review is to prioritize the area of improvement within the district’s assigned area of focus and then create an aligned implementation plan.

For example:

- A district’s assigned area of focus is Secondary Transition - the data review process guides the leadership team to prioritize either postsecondary education or employment as their area of improvement.
- A district’s assigned area of focus is literacy - the data review process guides the leadership team to prioritize either preschool, K-6 or students with significant cognitive disabilities as their area of improvement.

The district implementation plan is due July 1st, 2023. This plan includes goal statements and actions/activities that are a direct outcome of the data review process and align to the assigned area of focus. The professional learning - which is an action step within the implementation plan - begins in September of 2023 and continues throughout the three-year IDEA-DA designation period.

Overview of the Data Review Protocol

Step 1 guides the district leadership team through the initial impression of their data and consensus of shared understanding of learner outcomes (current state), to consensus of their desired state for learner outcomes and into their areas of improvement.

Step 2 identifies additional factors that may be affecting the data outcomes - this is at the learner and system level.

Step 3 Uses outcome data from Step1 and additional data focused on learners and the system from Step 2 to determine goals and related actions to include in the IDEA-DA Implementation Plan.

IDEA Part B State Performance Plan and Annual Performance Report – Courtney Clement, Iowa Department of Education [[Slide Deck](#)]

Courtney Clement discussed the IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR). The SPP is a six-year plan. Targets set in 2021 cover the years FFY 2020-2025 and includes data from school years 2020-2021 to 2025-2026. SEAP was one of the stakeholder groups that helps set/revise the needed targets for the SPP.

The Annual Performance Report, submitted to OSEP annually in February, is comprised of 17 indicators (5 compliance indicators and 11 performance indicators). Indicator 17 is the State Systemic Improvement Plan (SSIP). Iowa State-Identified Measurable Result (SIMR) is to Decrease the percentage of students with IEPs in grades kindergarten through 3rd grade identified as high risk on a literacy assessment.

See the [Slide Deck](#) for results.

ACHIEVE – Amy Alfrey, Iowa Department of Education

Please contact Amy Alfrey with feedback

Amy provided a summary of improvements and enhancements that have been made based on feedback since April 2022. In addition, content is being added to the user guide and the professional learning system.

Family Portal Update: On Monday, February 26th Amy Alfrey and Dee Gethmann will be doing a presentation thru ASK Resource Center.

Testing of the parent portal is scheduled to begin in April. If you haven't already, you can still sign-up to test as part of a stakeholder, agency or parent role.

Casey Force mentioned that things can be created by accident and then can't be deleted. This will be different in the near future. Next fall there will be a systemic cleanup process. This will be conducted on an AEA by AEA basis.

Announcements

Nancy Hunt said the Membership Application process is open for SEAP applicants. Please forward to those individuals who may be interested. The deadline is April 24.

There is a link to the proposed meeting dates for next year. Please review for conflicts.

At our March meeting we will ask for volunteers for the membership committee and accept nominations for Vice-Chair.

Teaching for Impact, a training for those who support learners with disabilities, will be June 13-14. Panel members can request to attend and have their travel reimbursed.

Cynthia Blackard made a motion to adjourn the meeting. Rachel Terry seconded the motion. Motion passed. The meeting adjourned at 2:15pm.

The next SEAP Meeting will be on March 31st at the Grimes State Office Bldg. in Room B-100.