

Iowa Special Education Advisory Panel Meeting Minutes - October 13, 2023

Present: Wendy Andersen, Jennifer Anderson, Joy Barlean, Dawn Bonsall, Carrie Champine, Carole Cherne, Casey Force, Lori Frieden-Janke, Rhonda Haitz, Tami Hoffman, Jessica Iverson, Amy Knupp, Pam Litterer, Amy Llewellyn, Kim Neal, Keri Osterhaus, Anne-Michelle Pedersen, Stephanie Smith, Terry Rachel, Karen Thompson, Rebecca Torres, Joel Weeks, Doug Wolfe.

Absent: Shawn Datchuk, Johnna Deaton-Davis, Andrew Dewein, Jimmy Graham, Lee Longmire, Sarah Novell, Mary Jackson, Sonia Reyes, Sandra Smith.

Department Staff Present: Barb Guy, Nancy Hunt, Wendy Trotter

Public Comment: None

Welcome/Introductions

The meeting was called to order by Dawn Bonsall, Chair at 9:02 AM. Introductions were made around the room.

Consent Agenda

Minutes were reviewed by the panel members. Joel Weeks made a motion to approve the minutes from the March 2023 meeting. Jessica Iverson seconded the motion. A vote was taken with no abstentions and the minutes were approved. Keri Osterhaus made a motion to approve the minutes from the May 2023 meeting. Kim Neal seconded the motion. A vote was taken with no abstentions and the minutes were approved.

Introduction – Director Snow, Iowa Department of Education

Director Snow has been with the Iowa Department of Education for 3 months. Director Snow thanked the panel for their time and talents, and for supporting educators and students. She asked members to introduce themselves, share their passions for this work, and to identify their top priority for SEAP this year. A variety of priorities were shared but the following themes emerged: secondary transition, behavior supports, educator recruitment/retention, literacy instruction, inclusion.

Goal Setting – Barb Guy, Iowa Department of Education

Barb shared a [presentation](#) on where we are and where we are going. The presentation began with a summary of SEAP work from 2013-2021. This included two priorities. The first was to replenish instruction through the intensification (MTSS) and individualization (SDI). Results from this priority included the collaboration with general education MTSS work, the SDI Framework and SDI early literacy districts. The second was to simplify systems (IEP/ISFS and results-based accountability). Results from this priority included i3 (iowaideainformation.org), ACHIEVE and the strengthening of infrastructure supports.

The two priority areas for 2022-27 were finalized last fall: 1. Renew Data Driven Culture and 2. Leverage Maximize/Optimize Personnel for Quality Services and Supports.

Overview of Work for 2023-24

Priority 1: Renew Data Driven Culture

- IDEA-DA Assignments (ISR)
- Facilitated Date conversations with level 3 districts - Early Literacy and Secondary Transition

Priority 2: Leverage Maximize/Optimize Personnel for Quality Services and Supports

- IDEA-DA Facilitator Training
- PLL (professional learning lead) and COP (community of practice) early literacy and secondary transition

Members discussed in [small groups](#) one of these two Areas of Need:

- Recruitment and Retention
 - what ideas do you have to increase our recruitment and retention efforts?
 - what information do you need to have a deeper discussion of this need?
- Professional Learning for Administrators
 - what information needs to be taught (or retaught)? Or, what don't admins know that they should?
 - what suggestions do you have on how best to get this information to admins so they accurately apply it?

ACHIEVE - Shannon Grundmeier, Iowa Department of Education

Shannon announced a tentative launch date of late spring 2024 for the ACHIEVE family portal. Shannon mentioned that this group has been instrumental in advising during the development of the family portal.

A training development task team is being formed to identify training and support materials and determine where the information and training will be publicly housed for family users. Shannon is looking for a range of individuals with different experiences to serve on the task team. Examples include, family members/guardians of child with disabilities, ASK Resources, LEA staff, AEA service providers, FEP staff and AEA consultants, etc.

A link for a Task Team interest form was shared for anyone interested in participating. The plan is for bi-monthly meetings which will likely begin in November.

A member asked if a shelter coordinator will have access to the family portal? Shannon responded that at this time the only people who will have access are those that are assigned. However, this type of request has been made before. Details are still being worked out.

OSEP Differentiated Monitoring and Support (DMS)- Barb Guy, Iowa Department of Education

The Office of Special Education Programs (OSEP) has initiated a new monitoring approach: Differentiated Monitoring and Supports (DSM 2.0). This process organizes states into 5 cohort cycles. Iowa is in cohort 2 and is expecting a site visit from OSEP in August 2024.

The intent is to determine if Iowa has a system of general supervision that is reasonably designed to ensure timely identification of noncompliance:

- Fiscal Management
- Integrated Monitoring/Sustaining Compliance and Improvement
- Dispute Resolution/Technical Assistance and Professional Development
- Data/State Performance Plan/Annual Performance Report
- Implementation of Policies and Procedures

The primary focus of the state's monitoring activities must be on the following:

- Improving educational results and functional outcomes for all children with disabilities; and
- ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

IDEA requires States to provide general supervision through a number of activities including monitoring. It has always had an emphasis on results.

Members reviewed a [handout](#) provided for feedback:

OSEP General Supervision Guidance - Barb Guy, Iowa Department of Education

Barb shared a [presentation](#) that highlights the changes to the General Supervision Guidance issued by OSEP. The updated and consolidated guidance supersedes 3 previous guidance documents from 2008 and 2009.

The guidance further clarifies or expands on 3 areas:

- Reasonably designed general supervision systems
- Timeline of considerations for noncompliance
- Correction of child-specific noncompliance

Reasonable Designed General Supervision Systems:

- May not ignore credible allegations of potential noncompliance. *We are now documenting all inquiries moving forward.*
- Should ensure all LEAs are monitored at least once within the 6-year cycle of the SPP/APR. *We do a desk audit annually with this new IDEA-DA system.*
- Clarifies that states may not limit general supervision activities to the compliance indicators of the APR.

- Due process complaints, state complaints and respective decisions should be linked to state's processes for identification of noncompliance. *We have never linked all of this into one general supervision document. Previously, these were tracked separately and are in different databases, so this is something we are building in ACHIEVE.*
- Recommends involving stakeholders in monitoring.

Timelines Considerations for Identification of Noncompliance:

- Introduces the term due diligence:
- The State must conduct its due diligence in a timely manner to address the area of concern and reach a conclusion in a reasonable amount of time.
- A State's proper due diligence activities may include but are not limited to: conducting clarifying legal research, interviewing staff, parents of children with disabilities, children with disabilities, and groups that represent the families and communities served by the LEAs or EIS programs or providers, and reviewing and analyzing data or information.

We will be calling this documentation a Due Diligence Log to track across the department.

Correction of Child-Specific Noncompliance

- State must verify that the LEA achieved 100 percent compliance with the relevant IDEA requirements and (2) if applicable, has corrected each individual case of child-specific noncompliance, unless the child is no longer within the jurisdiction of the LEA or EIS program or provider
- Pre-Findings: Pre-finding correction may occur when the State has exercised due diligence and reached a conclusion in a reasonable amount of time that the LEA or EIS program or provider has violated an IDEA requirement, but has not yet issued a finding

Members discussed the following questions in small groups:

1. How would you assess the equitable implementation of IDEA, through examination of local policies, procedures, and evidence of implementation (or practices)?

Group share - Would like a resource from state with guidance from state that spells out certain things/topics that have to be in place to provide some consistency across the state.

1. How might we use ACHIEVE to use real-time data for monitoring?

Group share - Create a report in ACHIEVE on IEPs that have not been touched within a certain amount of time (progress monitoring, etc.). The report would be designed to catch egregious lack of activity (not every little thing). Also, create transition reports to see how many transition assessments used, course of study, does it address all areas, ELA assessments; ESY, etc.

1. What are some ways to involve stakeholders in our monitoring activities?

Group share – Gather stakeholder feedback through use of a QR code to gain real time, honest feedback from all potential stakeholders. There was also a spirited conversation about how much grace we give to leaders that make these decisions without taking feedback into consideration. We need to emphasize to parents that they have a voice and here is how to be heard.

1. What input do you have on the use of “pre-findings”? How can the DE balance providing technical assistance and monitoring LEAs?

Group Share – This sounds like compliance. Can we come up with another term to keep it focused as a more informal conversation around problem solving

Executive Order 10 – Thomas Mayes, Iowa Department of Education

Thomas Mayes shared information about [Executive Order 10](#). Governor Reynolds entered this executive order which requires all state agencies to review their administrative rules over a four-year cycle. The order required all departments to review all administrative rules chapters to eliminate unnecessary, duplicative, had zero value, or obsolete information over the next 4 years. Also had to remove the following terms shall or shall not, may not, must require, restrict, and prohibit. The Department of Education was in year one, so we had to review all 63 chapters by September 1, 2023.

Thomas also shared the [Chapter 41 Red Tape Review Rule Report](#). For this chapter (Chapter 41), mostly just cleaned up unnecessary language. For example, we don't need state rule to say what federal law already explains, so removed state wording that is duplicative of federal policy. At the end of our review of all 63 chapters, we reduced around 80,000 words removed about 200 rules, eliminated about 5000, unnecessary restrictive terms. Our rules chapters are about 25% thinner overall. And we reduced over half of those six restrictive terms. In no way, did any of those reductions of restrictive terms reduce any protections to schools, to families to children, or to practitioner prep programs.

The next step is for the changes to be released for public comment in November. The rules must then go to the state board on Dec. 4, 2023. There will be 2 public hearings (will be grouped with similar content areas). The rules will be considered for final adoption by the state board in the March meeting. The Order states must be a strike and replace format, will not be a strikethrough/underscore format that we are used to seeing. Thomas offered the Panel a side by side of the current rules and proposed rules.

Announcements

Special Education Law Conference is Nov 2-3, 2023 in Omaha, NE. SEAP members are invited to attend. The Department will pay your registration and reimburse travel expenses. Please let Nancy know if you are interested in attending ASAP.

Karen Thompson, ASK Resources offered to help pay the upfront travel costs for members of the Panel who are parents. Anyone interested should contact Karen.

Rachel Terry suggested we create a "snack table." Panel members are welcome to bring snacks to share with the group. It is completely voluntary.

Future Agenda Items

The discussion with Director Snow resulted in ideas for several agenda topics based on the themes that emerged from the discussion.

Emerging Issues

None

Adjourn

Joel Weeks made a motion to adjourn the meeting. Lori Frieden-Janke seconded the motion.
Meeting adjourned at 2:49 pm.

2023-24 Upcoming Meeting Dates

November 17, 2023

January 12, 2024

February 23, 2024

April 5, 2024

May 10, 2024