



NEBRASKA

DEPARTMENT OF EDUCATION

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: Elmshaeuser

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 Elmshaeuser & 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 Elmshaeuser

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