



Special Education Advisory Panel (SEAP) Annual Report

July 2022–June 2023

Preface

The annual report of the Minnesota Special Education Advisory Panel (SEAP) is respectfully submitted to the commissioner of the Minnesota Department of Education (MDE). The reporting period is July 1, 2022, through June 30, 2023. The annual report is a summary of the panel activities and recommendations during the reporting period. SEAP provides a broad base of input to MDE staff regarding policies, practices and issues related to the education of children and youth with disabilities ages birth to 22, and advises MDE’s Division of Special Education on the education of children and youth with disabilities.

Special Education Director’s Letter

Dear Colleagues:

I am pleased to present the 2022-23 Special Education Advisory Panel (SEAP) annual report.

The federal Individuals with Disabilities Education Act (IDEA) establishes SEAP and the panel provides guidance to MDE with respect to policies on special education and related services for children and youth with disabilities in Minnesota. SEAP is an important partner for MDE, providing necessary feedback on the agency’s activities. Through learning about special education program efforts and reviewing the quantitative and qualitative results of that work, SEAP is able to give unique insights on how to improve educational programming for students with disabilities across the state.

The 2022-23 school year was a year where Minnesota schools were able to find stability again, after three years of frequent disruptions due to the COVID-19 pandemic. This year SEAP gave guidance on issues ranging from the state’s new Youth In Transition Toolkit to the improvement of inclusion in the most integrated settings for all students.

In this report, we highlight all of the work from the last year. Each perspective represented on SEAP — parents, government agencies, school personnel, and students — is vital to the improvement of education in Minnesota. MDE genuinely thanks each panel member for their service.

Sincerely,
Sonia R. Smith, J.D.
Director, Special Education Division
Minnesota Department of Education

SEAP Chair Reflections

It has been a privilege and honor to serve as the Chair of Minnesota Department of Education (MDE)'s Special Education Advisory Panel (SEAP).

As a woman of color serving in this capacity has been tremendously inspiring and valuable. I have learned so much from members of SEAP and MDE staff as well as the presenters. I am grateful for the dedicated and collaborative support, from SEAP members and MDE staff, for making sure my time as the chair was both valuable and rewarding.

In the 2022-23 school year, many great things happened in support of social education. Minnesota passed one of the largest surplus budgets in history and on Friday, March 17, 2023, Governor Walz signed the Free School Meals bill into law. Students with disabilities are now eligible to continue to receive instruction and services until the day they turn 22 (as opposed to the end of the school year in which they turned 21). Minnesota Statutes and Administrative Rules allow a Tier 1 special education license to be renewed for more than three years if a district or charter school can show good cause or if the teacher is teaching in a shortage area (including special education).

The goal of the panel is to bring diverse perspectives together to make recommendations on special education issues from different perspectives and backgrounds.

This year MDE also got a new Director of Special Education, Sonia Smith. A special thanks to Holly Andersen, who heavily supported and prepared me for meetings, and Barbie Hess for preparing SEAP Business, Minutes, and other updates on other Committees.

With gratitude, I want to thank you all for your collaboration and support while serving as your chair for 2022-23 school year. I will miss our meaningful and valuable time spent together in meetings collaborating, supporting and serving Minnesota most unique students and their families.

Sincerely,
Georgia Miller-Kamara

2022–23 SEAP Members

Name	Represents	Term Ends
Saido Abdirashid	School Administrator	2024
Teala Amberg	School/Related Service Personnel	2025
Kimberly Baker	Parent Representative	2024
Milena Bates	Parent Representative	2023
Tricia Brisbane	Parent Representative	2023
Michael Deschneau	Higher Education Representative	2023
Amy Ernst	School Administrator	2024
Dega Farah	Parent Representative	2024
Satasha Green-Stephen	Higher Education Representative	2023
Thomas Hannasch	School/Related Service Personnel	2024
Heather Helmer	Parent Representative	2025
Alyssa Klein	Interagency Representative	2024
Kim Lemcke	Interagency Representative, Foster Care Services	2023
Amber Madoll	Parent Representative	2023
Georgia Miller-Kamara, Chair	School/Related Service Personnel	2023
Annie Newville	Interagency Representative, Juvenile Corrections	2025
Sarah Nygaard	School/Related Service Personnel	2025
Rachel Pearson	Parent Representative	2024
Patty Popp	Interagency Representative, Juvenile Corrections	2023
Roberto Reyes	McKinney-Vento Homeless Advocate	N/A
Emily Rustman	School/Related Service Personnel	2025
Sadie Tollman	Parent Representative	2023
Sarah Vinueza	Parent Representative	2024
Sabeen Zehra	Parent Representative	2023

Duties

As established in accordance with 34 CFR 300.167-300.169 (2006), the Special Education Advisory Panel (SEAP) of the state of Minnesota must:

1. Advise the State Educational Agency (SEA) of unmet needs within the state in the education of children with disabilities.
2. Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities.
3. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act.
4. Advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act.
5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

6. The SEA, after deleting personally identifiable information, must provide SEAP with the due process hearing findings and decisions and make those findings and decisions available to the public (34 CFR 300.513(d) and 300.514(c)).

Acknowledgements

MDE acknowledges and thanks the following staff for their contribution to this report and the work of the SEAP:

- Sonia Smith, Director, Special Education Division
- Georgia Miller-Kamara, SEAP Chair, 2022-23
- Holly Andersen, SEAP Coordinator
- Barbara Hess, Administrative Support
- Doug Gray, Communications Specialist

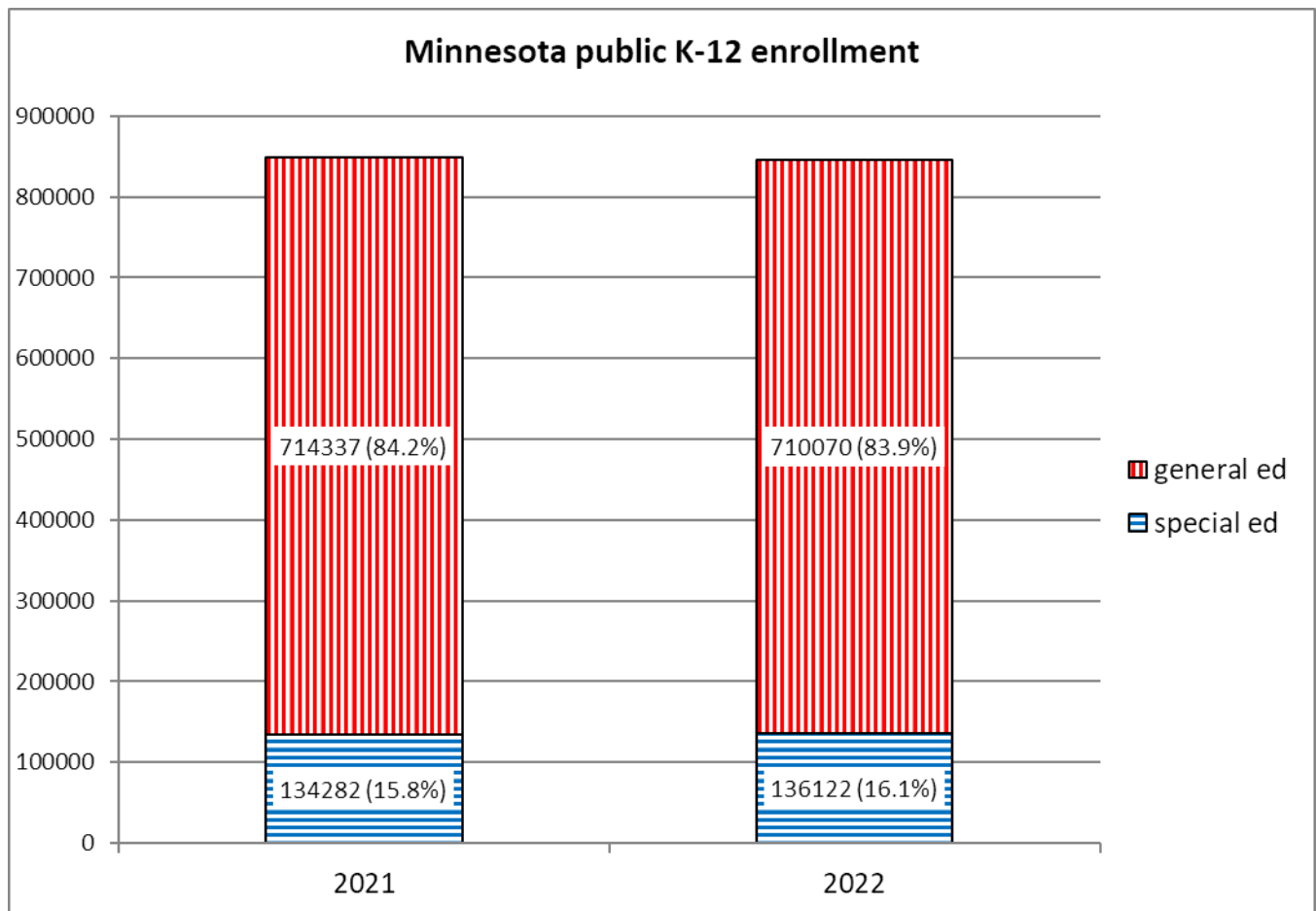
The SEAP is funded by federal funds obtained by MDE through Special Education — Grants to States CFDA 84-027A of the Individuals with Disabilities Education Improvement Act (IDEA 2004) and amendments thereto.

Overview

SEAP provides policy guidance for MDE's Division of Special Education with respect to special education and related services for children and youth with disabilities in Minnesota. IDEA and state law establish SEAP and outline its duties. SEAP members are appointed by the Commissioner of Education as the governor's designee. SEAP members include parents/guardians, individuals with disabilities, educators, teacher trainers, advocates, special education directors and staff from MDE and other state agencies, bringing their diverse perspectives together to make recommendations on special education issues.

Special Education in Minnesota

By federal law, public schools must provide individualized special education and related services to eligible children with disabilities. Special education is specially designed instruction, provided at no cost to parents/guardians, to meet the unique needs of a child with a disability. It may include instruction in the classroom, home, hospitals, institutions and other settings.



On December 1, 2022, 158,047 Minnesota children and youth from birth to 21 years old received special education services. This represents an increase of 4.3 percent from the 151,532 Minnesota children receiving special education services in 2021-22. Of those, 136,122 were enrolled in grades K-12 in Minnesota public schools, 16.1 percent of the total statewide public school K-12 enrollment of 846,192. The number of Minnesota children and youth from birth to 21 years old receiving special education services for Specific Learning Disabilities (SLD), Autism Spectrum Disorder (ASD), Developmental Delay (DD), Speech/Language Impairment (S/LI) and Severely Multiply Impaired (SMI) increased; the number receiving services for Blind/Visually Impaired (B/VI), Traumatic Brain Injury (TBI) and Deaf-Blind (DB) decreased; and the number receiving services for Developmental Cognitive Disability-Mild/Moderate (DCD MM), Physically Impaired (PI), Emotional Behavioral Disorder (EBD), Deaf/Hard of Hearing (D/HH), Other Health Impairments (OHI) and Developmental Cognitive Disability-Severe/Profound (DCD SP) remained relatively stable compared to December 1, 2021.

Recently, eligibility for special education services was extended for Minnesota students from birth until the child with a disability becomes 22 years old. Student data for future years will reflect this extension.

Policy Areas of Interest

OSEP Finding Regarding Tier 1 Teachers in Special Education

At its June 2023 meeting, MDE leadership informed SEAP of the May 17, 2023 letter Education Commissioner Willie Jett received from the U.S. Department of Education, Office of Special Education Programs. That letter stated, “[OSEP] has identified a finding of noncompliance under Part B of the Individuals with Disabilities Education Act (IDEA).” As a result, MDE was to respond to OSEP within 60 days from the date of the letter with a corrective action plan (CAP) that includes a timeline of “revised policies that ensure that teachers participating in the alternate route to special education certification assume functions as a teacher for a period not to exceed three years, as required under IDEA section 612(a)(14) and 34 C.F.R. § 300.156(c)(2)(i)(C).” That plan was submitted Monday, July 17, 2023, and OSEP has approved the plan as submitted on Monday, August 14, 2023.

With the acceptance of this plan, MDE will proceed with notifying Local Educational Agencies (LEAs) that special education teachers holding a Tier 1 license for more than three years can continue to teach in a special education classroom for the 2023-24 school year. However, those teachers will be ineligible to return to the previous role as Tier 1 licensed special education teacher for the 2024-25 school year. MDE will be working with the impacted charter schools and districts to help them utilize the newly expanded Grow Your Own teacher recruitment and retention funding as well as the Minnesota teacher mentorship program to provide the opportunity for the 17 teachers impacted by this change to move to Tier 2 or higher.

MDE is currently working to develop a legislative policy proposal for the 2024 legislative session to ensure Minnesota statutes and rules are in full compliance with federal regulations. MDE will continue to call on the knowledge and support of SEAP members as it addresses the OSEP finding.

Special Education Workforce

SEAP members heard about efforts from MDE and its partners to build and develop Minnesota's special education educator workforce. These included the longstanding [Minnesota Mentor Program](#) with the Minnesota Low Incidence Projects. The Minnesota Mentor Program matches newer and experienced teachers in low incidence disability areas and provides additional mentoring and coaching activities through the Minnesota Professional Educator Licensing and Standards Board.

Members offered suggestions for additional efforts in specialized training and case management.

Collaboration for Educational Improvement

MDE staff gave SEAP members an overview of statewide collaborative efforts to improve public education and how students receiving special education are specifically included. Programs such as statewide assessment, COVID-19 learning recovery and the Every Students Succeeds Act (ESSA)

contribute to equity and equitable outcomes, graduation and postsecondary success and education in the most integrated setting.

SEAP members offered valuable suggestions for extending and broadening these ongoing efforts. Particular areas of concern included mental health services, peer mediation, the unique situation of Level 4 schools, assistive technology and accessibility.

State Personnel Development Grant (SPDG)

MDE uses its federal State Personnel Development Grant (SPDG) for activities and programs to increase graduation rates for Native American students with disabilities and support higher education partnerships to increase the number of American Indian teachers in special education. These include programs such as [Check & Connect](#) where students can work with a caring adult on a regular basis; the [Dream Catcher Project](#) that trains liaisons and cultural specialists to work with special educators observing student behavior; and other cultural, outreach and inclusion activities to involve educators and families in SPDG goals. The University of Minnesota's Institute on Community Integration supports Check & Connect training and coaching, while MDE's partner PACER supports family engagement.

SEAP members provided insights into desired outcomes for Native American students with disabilities, challenges and barriers to achieving the goals of SPDG programs and additional resources available to SPDG participants and their students around the state. MDE will continue to draw on the expertise and advice of SEAP as it works to improve graduation rates for this targeted group of Minnesota students.

State Performance Plan (SPP), Annual Performance Report (APR) and State Systemic Improvement Plan (SSIP)

Annually, the U.S. Department of Education's (ED) Office of Special Education and Rehabilitative Services (OSERS) releases state determinations on implementation of IDEA Part B and C. IDEA requires each state to report each year to ED on its performance under its State Performance Plan (SPP), submitting an Annual Performance Report (APR) providing information on the progress made in meeting the established targets. IDEA details four categories for determination: meets the requirements and purposes of IDEA, needs assistance, needs intervention, or needs substantial intervention. ED uses both compliance and results data for Part B and Part C state determinations in a Results Driven Accountability (RDA) framework.

For fiscal year 2021, 23 states and territories met the "Meets Requirements" determination, Minnesota being one of them again for Part B. Minnesota's Part C determination was "Needs Assistance," one of 12 states in that category. MDE will work over the next year to address the areas of concern OSEP outlined in its review with the goal of once again meeting Federal requirements for its Part C programs.

SEAP members heard information on the SPP/APR process, outcomes and resources such as open office hours, meetings with MDE partners and the Part B Indicator Guide available on the MDE website. They heard and voiced concerns about the need for additional support for special education parents/guardians, students and educators. MDE will continue to partner with SEAP and other educational organizations and to focus on the SPP/APR process to ensure Minnesota has a strong special education system for the future.

Assistance and Compliance

MDE staff who assist Minnesota schools and districts in complying with the requirements of IDEA briefed SEAP members on the latest [guidance from the federal Department of Education's Office for Civil Rights \(OCR\) and Office of Special Education and Rehabilitative Services \(OSERS\) on discipline](#) involving students with IEPs or plans under Section 504 of the Rehabilitation Act. Aimed at avoiding discrimination in student discipline, the new guidance includes resources to help ensure fair treatment and access to supports and services to meet the needs of students with disabilities. It also makes clear that schools do not need to choose between complying with applicable laws and regulations and keeping their school community, students and staff safe.

SEAP member comments and concerns regarding this new guidance included the importance of communication among educators, students and parents/guardians; including students' voices and input; understanding students and their needs as part of a whole child approach; ensuring existing plans for students are being implemented with fidelity; and making a comprehensive set of services and interventions available to students and schools.

In May 2023, MDE reorganized its assistance and compliance division for the purpose of streamlining the work. The division, consisting of four units, Program Monitoring, Fiscal Monitoring, Student Maltreatment Program (SMP), and Dispute Resolution, was moved to different divisions within the Department as follows: (1) program monitoring staff report to the Director of Special Education as part of that division; (2) fiscal monitoring staff report to the Director of School Finance as part of the school finance division; and (3) dispute resolution and student maltreatment program staff report to the General Counsel as part of the general counsel's office. This restructuring effort helped to better streamline the work, increase efficiency, and improve MDE's service to districts, schools, educators, students and parents/guardians. SEAP and its members' experience and insights should make valuable contributions toward assessing and suggesting any needed refinements to MDE's new organizational structure for assistance and compliance.

Going Forward

SEAP is a broad-based constituency group that plays an active and influential role in improving the education of children and youth with disabilities in Minnesota. SEAP members participate on other state and local committees and task forces such as the special education teacher licensure task force

and the MDE special education higher education forum. As a result of their membership on other groups, there is opportunity to communicate priorities and make connections. Working together helps all our efforts move forward. SEAP will continue studying and recommending improvements for Minnesota's special education services to improve outcomes for students.

SEAP Meeting Schedule 2022-23

Tuesday, September 13, 2022 (orientation)

Friday, September 23, 2022

Friday, November 4, 2022

Friday, January 20, 2023

Friday, April 21, 2023

Friday, June 16, 2023

SEAP meetings for 2022-23 were held online due to the COVID-19 pandemic. SEAP meetings were scheduled from 9 a.m. to 1 p.m.

For information about SEAP, [visit the Advisory Panel's website](#).

For questions about SEAP, please contact [Holly Andersen](#) at 651-582-8668.