

DAVENPORT COMMUNITY SCHOOL DISTRICT
ACHIEVEMENT SERVICE CENTER
JIM HESTER BOARD ROOM
1606 BRADY STREET
DAVENPORT, IOWA 52803
MONDAY, MAY 15, 2018
SPECIAL EDUCATION AUDIT UPDATE

The Board of the Davenport Community School District in the Counties of Scott and Muscatine, State of Iowa, met on Monday, May 15, 2018 for a Special Committee of the Whole Meeting. The meeting was held at the Achievement Service Center, 1606 Brady St., Davenport, Iowa, in said District. President Johanson called the meeting to order at 5:30PM. Present: Director's Johanson, Hayes, DeSalvo, Beck, Potts and Mayfield. Gosa participated by phone.

1.Special Education Audit Update

The following panel members introduced themselves: Dr. Art Tate, Superintendent; Patti Pace-Tracy, Director of Special Education; Stacy Struck, Susan Downs, and Gus Hawbaker, DCSD Special Education Specialists; Bill Decker, Chief Administrator of the Mississippi Bend Area Education Agency (MBAEA); and Kim Hofmann, Special Education Administrator, MBAEA. Dr. Tate explained the presentation will consist of eight sections concerning compliance issues and he asked board members to ask questions after each section. Ms. Tracy said she would be providing an overview of the eight areas on non-compliance/citations as specified by the Department of Education (DOE) which are outlined in the report and will be discussed separately. Each citation reviewed and answered the following questions: 1) What is it? 2) How did it impact students? 3) What are next steps?

Citation #1- Placement Decisions

Dr. Tate said he wanted to put the first citation of placement decisions into perspective and read a statement saying "The issue of change in placements for elementary special education students began last year as my leadership team helped me formulate my Superintendent Priorities and at the time one of my goals was to take actions which would reduce the achievement gap for special education students. During that year the district was committing itself to an "All Means All" mentality to ensure that every student, regardless of race, socio-economic status, language ability, or special education situation got the same core instruction as all other students. It was at this time we created a collective responsibility statement for the district which states 'Every member of the Davenport Community School District Team is responsible for the success of all students.' My leadership team researched all UEN (Urban Education Network) Districts because of their similarities to Davenport and found that the Sioux City District realized success in several areas which we were investigating. One of the successes was special education students being co-taught in the elementary classroom setting. The Special Education Department (SPED) interviewed and conferred with administrators from Sioux City and after much discuss and research it was determined that this model would work in Davenport. I want to emphasize co-teaching in the regular classroom sprung from a district initiative which included the SPED. Last week when we met with the Department of Education Team they lauded us for the intent to place special education students in general education classroom in the least restrictive environment. We erred in the manner in which that was accomplished. There was no intent to leave out parents and they were informed by a letter of change and we thought we were using the proper process to accomplish that. The DOE determined that, although the intent was good, it was not the proper procedure. Throughout the year the co-teaching model was monitored and evaluated and found adjustments will have to be made. However, we ascribe to the intent to place students in the least restrictive environment and ensure that they get core instruction. That premise is the foundation of the Multi-Tiered System of Support (MTSS) which includes the education of special education students."

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Ms. Tracy provided further explanation this citation and explained the DOE indicated a different process should have been used to integrate special education students into the general education setting within the Multi-Tiered System of Support (MTSS). Specifically, the DOE said the district should have provided meetings to all parents of special education students and the process should have been individualized to each student. For many of the special education students it has been a very positive experience, but some students required more services than initially provided. The DOE has assigned an Implementation Advisor who will oversee the Accreditation Report and the compliance indicators they are required to address and remedy. The first meeting with the Implementation Advisor will be May 22nd. They will be convening IEP meetings for every student that was impacted. There was a large group of students that had no issues with the services received but the DOE has indicated a letter needs to be provided to that group as well to offer IEP meetings.

Board members asked questions regarding previous statements made about the plan, individualization of services, how education is actually administered for the students, and timing for when these meetings will be scheduled. Ms. Tracy said they must comply with state and federal and requirements concerning the percentage of time special education students spend in the general education setting. The guiding factors used within the MTSS system is that 80% of the students in a classroom or building should be able to attain proficiency in core instruction. An additional 20% of students will require more intensive services which is Tier 2 instruction. The Tier 3 students require extra additional support and from this there would be a small group of students who may not respond effectively to Tier 2 or 3 instruction and if they have IEP'S, they would receive specially designed instruction on top of all of those levels. She said co-teachers are in core courses to help support special education students and this is in place at the high school and intermediate levels. There is more flexibility at the elementary level for providing services which varies depending on the student. Ms. Tracy responded to a board member's concern about this system and how it affects struggling students and how progress is measured or monitored. Ms. Tracy indicated the district collects universal screening data three times a year for math and reading and this data is drilled down to individual students. She also stated that many general education students, who are not on an IEP, require Tier 2 instruction so the students who have an IEP are not unique in the classroom. Mr. Decker said the district has a robust MTSS system which impacts all students and the DOE has said this is a good system and the MBAEA supports this system as well. There was a brief discussion about the list provided by the DOE and how they paired down this list to approximately 1600 students, but after the meeting next week they will determine the number of students who will require IEP meetings. The Implementation Advisor will provide assistance with this process and they will further discuss the possibility of speeding up the process of implementation.

Citation #2: Prior Written Notice

Ms. Struck explained that prior written notice (PWN) is required by the IEP to be made to the parents when there is a change in identification, evaluation or placement of a student. The DOE reviewed 165 IEP's and of these they found that 88% of these had common language and not individualized student needs and failed to provide individual student basis for making the placement change. As indicated in the report, this was a documentation issue which had no direct impact on students. Next steps will be conducting IEP meetings and working with the Implementation Advisor for professional development opportunities on use of PWN. Board members asked a variety of questions concerning this citation. Several members asked why this didn't impact students since the PWN was an issue and this would mean parents would not have the information they need and should have. Ms. Tracy explained that when the PWN was completed it stated this was a district initiative to move to the MTSS and putting this on a PWN flags that this is not an individualized decision. When they go back and reconvene the IEP meetings they will be very clear and very specific to each student. There was additional discussion about how this was stated as a district initiative and if the DOE provides guidance on the correct wording regarding the PWN. It was further explained that the intent was good, but the way it was

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described and documented raised a red flag as far as it not being individualized to the student. Staff emphasized that when they conduct IEP training it will be a priority to correct this.

Citation #3-Disproportionality

Dr. Tate read a statement saying “Disproportionality is a serious issue and it negatively affects the academic success of students. In education it should be a prime focus for every board member, superintendent, administrator, principal, teacher and employee. In Davenport, disproportionality is not a special education issue... it is a district issue, a state issue, and a national issue. It is serious... He read the following from a recent issue of Education Week... ‘Black students continue to be disciplined at school at disproportionate rates when compared to their peers even as US schools issue fewer suspensions. These findings come after years of emphasis at the local, state and federal level on reducing the levels of exclusionary discipline such as suspensions and expulsions.’ A recent Brookings Institute report states ‘Major racial disparities in student discipline rates have been documented for decades. Most recently the 2013-14 civil rights data collection documented that black students who make up 16% of enrollment account for 40% of suspensions nationally.’”

Tate said he is not minimizing the issue by providing this information, but indicated we have nationwide and local challenge that needs to be met. He discussed best practices for making changes in this area and listed the programs in the district that are being implemented to help address this issue such as student intervention teams, Boys Town, PBIS, student intervention teams, Dr. Adams conducting sessions for the past six years, achievement gap committee, just to name a few. Ms. Tracy reviewed the information relevant to how the district was cited in the three areas of identification for special education services; suspension/expulsion, and seclusion and restraint and reviewed specific data relevant to each area. Mr. Hawbaker noted that in our school 15% of the total school population are identified for special education services. There was discussion about the inconsistencies in the statistics from the state broken down by category that didn’t add up to 100%, but there was agreement that African American students are being identified at a higher rate in all three areas cited. The question was asked if teachers sometimes feel intimidated by black males that may be exhibiting certain behaviors and are mistakenly identified for special education. Ms. Tracy said they will be bringing in a national expert on disproportionality and continue with culturally responsive training. A board member made the point that he appreciates the intent but good intent does not always mean good results and this has been a problem in the district for over 40 years and that innovative programs need to be implemented that focus on improving relationships and working with the community to solve the problem. Next steps to address this citation include working with a national expert on disproportionality in special education and the MBAEA to review student IEPs for students of color, including reevaluation of eligibility for services and reconvening the IEP team as determined by the list of student names provided; determine if suspensions are being adequately documented; and work with Implementation Advisor to ensure that all staff understand restraint and confinement regulations.

Citation #4: Services for Students with Behavior Needs

Susan Downs explained the DOE reviewed 37 Functional Behavior Assessments (FBA’s) and Behavior Intervention Plans (BIP’s) to determine if appropriate assessment methods were used. She explained that FBA is a process that is used to determine the target behaviors for the most problematic behaviors of a students and then to develop a BIP and this is part of the IEP. It was noted by the DOE that some of the staff completing the assessments were not appropriately training. Regarding the impact on students, it is possible that the BIP did not include appropriate strategies to address challenging behavior. Next steps for this category will be to review all IEP’s with FBA’s and/or BIP’s for adequacy in collaboration with the AEA and convene IEP meeting. They will also work with the Implementation Advisor to ensure that staff have adequate training. Ms. Downs explained the citation was specific to those students with IEP’S but in response to a question from a board member, it was explained it is also possible with general education students. Ms. Downs also explained that these assessments and plans are initiated only after Tier 2 or 3 interventions have been unsuccessful and the behavior can be impeding the student’s ability to learn.

Citation #5: Removals and Suspension of Students with Disabilities

Ms. Downs stated there was a concern that the district may not be coding in-school suspensions correctly and that disciplinary procedures for students with IEP's may be causing them to miss out on special education services. She explained that if a student is struggling in the in special education classroom they try to de-escalate and do some corrective teaching to try to keep the student in the classroom. If the student's behavior continues to escalate and disrupt the learning environment they might go to a crisis intervention room where there is a special education teacher and para-educator who can work with the student on a one-on-one basis and the DOE needed further clarification on what was coded an in-school suspension. It was possible that while students were in those settings they may have not received their special education services if they were in a different setting for an extended period of time. She reviewed the next steps they will be taking to address this citation which includes reviewing IEP's for all students in behavior programs who were placed outside their classroom setting and work with the Implementation Advisor to provide professional development on use of suspension, expulsion, and alternative settings. Ms. Downs clarified that the rooms with the special education teacher and para educator could have more than one student.

Citation #6: Evaluation Procedures

Stacy Struck noted the DOE said there were six instances where the eligibility determination was made without the involvement of the AEA and/or appropriate parties. She indicated the district and AEA are questioning this citation and the accuracy of it. They do not believe there was any impact on students. In response to board questions, Ms. Struck said that either a parent or a teacher can contact the AEA if they suspect a disability and a parent's signature is required for the evaluation and provided more information about the identification process. It was asked if a parent would ever be told a doctor's note is required to confirm a disability exists and Ms. Struck said they would never be told that.

Citation #7: Seclusion and Restraint as Applied to Students with Disabilities

Mr. Hawbaker reported that the DOE noted that two rooms used for the purpose of seclusion had what they described as "chicken wire" installed to cover the ceilings. He explained that the installation of this protective mesh covering was installed over light fixtures and ventilation ducts in order to ensure the safety of students in room. He explained there can and have been situations in the past where students in a highly escalated behavioral situation have thrown a shoe at the light fixtures to try and break the light fixtures and halogen tubes. When this happens you have glass on the floor which is a very dangerous situation. Students have also jumped up to break the light fixtures if they were tall enough to reach. Dr. Tate also added that this was not chicken wire but a mesh covering that you often see in a gym and is also the same mesh covering you see over sprinkler systems as well. Hawbaker said they will work with the DOE to find out exactly what the district should be doing to instead in this case and what their suggestions for a replacement would be. There was a question about when and how restraint is implemented and how is it tracked. Mr. Hawbaker stated they use an online system that tracks the student age, building, teacher, all adults involved. It is a survey system that kicks back a report at the district level and to the staff completing it which includes parental information for contact. This system is a direct copy of DOE's Chapter 103 guidelines. Confinement isn't always specific to the room and could also be a situation, for example, where staff are required to separate two students to prevent violence from taking place and this get documented as well. He emphasized the SPED follows the Chapter 103 guidelines to the letter.

Citation #8: Permissible Special Education Expenditures

A review of the district's staffing and payroll system for fiscal year 2017 revealed situations, specific to Keystone Academy, where improper coding may have occurred. Many staff at Keystone Academy were coded all to special education and need to be split between general fund and special education fund. There is no impact to students and the district will have a specific list of staff members who have been coded incorrectly that need to be fixed. There was a discussion about district payroll and information concerning vendors. In response to a question from a member of the board, Ms. Tracy said she is not in buildings every day, but special education staff are in buildings daily. Tracy also indicated there will be increased professional development which will be required during the school year. As changes are implemented a board member suggested conducting a survey to get as much feedback as possible to make sure the changes are being effective. Ms. Tracy said they are in the process of developing this type of survey. There was a concern expressed about overrepresentation and how this topic needs to be discussed further by the board.

The meeting adjourned at 9:15PM.

Mary Correthers, Board Secretary