

**DAVENPORT COMMUNITY SCHOOL DISTRICT**  
ACHIEVEMENT SERVICE CENTER  
ROOM 330  
1702 MAIN STREET  
DAVENPORT, IOWA 52803  
**MONDAY, OCTOBER 30, 2018**  
**SPECIAL CALL OPEN MEETING**  
**5:00 PM**

The Board of the Davenport Community School District in the Counties of Scott and Muscatine, State of Iowa, met on Monday, October 30, 2018 for a Special Call Open Meeting. The meeting was held at the Achievement Service Center, 1702 Main Street, Room 330, Davenport, Iowa, in said District. President Johanson called the meeting to order at 5:00 PM.

On roll call the following board members were present: Directors: Julie DeSalvo, Linda Hayes, Bruce Potts and Ralph Johanson. Dan Gosa, Allison Beck and Clyde Mayfield participated by phone. Iowa Department of Education administration attending included Amy Williamson, Chief Bureau of School Improvement; Barb Guy, State Director for Special Education; and Dave Tilly, Deputy Director.

President Johanson explained the Department of Education administration will be presenting information concerning the special education audit and citations. Mr. Tilly acknowledged Sandy Schmitz, Implementation Advisor, who is currently working with the district and Ms. Angela English, State Board of Education member who were also in attendance. Mr. Tilly stated they would be discussing the following: the reasons for the 2018 audit of the district; the conditions and data the Department of Education was looking at that prompted the site visit; the main findings from the report; state and federal expectations and clarity around corrective actions that are required and the role of the Implementation Advisor and her role to support the implementation of those corrective actions.

Ms. Guy stated the main reasons the district came to the attention of the state was information concerning least restrictive environment data, increased calls and due process inquiries related to behavior, concerns expressed by AEA staff and the largest increase in special education expenditures in the state. She reviewed a graph that indicated a large jump in the year 2016 for the percentage of time students with IEP's were spending with non-disabled peers as highly unusual. She explained there were seven citations in the audit but she emphasized there are two major principals of IDEA (Individuals with Disabilities Education Act) that underlie the citations they will be focusing on in this presentation are the issues of predetermination of placement and services for students with disabilities and disproportionate identification, placement, and discipline of black students.

Ms. Guy provided detailed information concerning the first principal of IDEA emphasizing the requirement that services and supports be individualized and based on each student's needs and disability and that they are made by the IEP (Individual Education Plan) team. She stated this means an educational agency cannot do any of the following: make a decision prior to the IEP meeting about any specific services or supports for the student; unilaterally establish policies or procedures that do not take into account the needs of the individual; have unofficial policies that restrict certain programs or services. She reviewed items that are allowable and encouraged prior to the IEP meeting. Ms. Guy reviewed some of the findings from the 2018 visit that indicated predetermination and the specific practices that were taking place in the district that explained the jump in the data

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mentioned previously. She advised that what to look and listen for in the future are any written documentation that indicates a decision was made prior to an IEP team meeting, verbal reports of formal or informal policies that limit IEP decision making, including placement and services and resistance to advance preparation as it may be viewed as predetermination.

Ms. Williamson then reviewed the findings in the audit concerning the disproportionate identification, discipline, and seclusion/restraint of black students both with and without disabilities. She indicated these findings were based on 2016-17 data reported to the state and the first quarter of data collected by the district on seclusion and restraint. She reviewed data that showed black students were 1.8 times more likely to be identified for special education services compared to students of all other races and ethnicity; that black students with IEP's were 6.66 times more likely to receive an out of school suspension greater than 10 days and 2.04 times more likely to receive an out of school suspension 10 days or less. She also reviewed data indicating a disproportionate number of students of any race with IEP's receiving removals (suspended or expelled) for disciplinary reasons and students being secluded or restrained by race/ethnicity. Ms. Williamson said the data indicates a pattern that needs to be addressed and then provided a list of red flags to be aware of concerning this issue and how to avoid it in the future.

Ms. Williamson reviewed state expectations for complying with corrections. She stated that all citations for noncompliance have to be corrected on the timeline identified. When the original citations were given the timeline for correction was as soon as possible, but no later than one year which is required by the federal government. Williamson noted the district has made some strides in making those corrections and the IEP meetings are taking place. The next expectation is that all district staff participate in professional learning that is required to sustain corrective actions concerning disproportionality. District leadership need to make sure this is set as a priority and that district staff have an opportunity to not just attend a training, but to practice this as embedded in their job and receive coaching. They expect district administrators to work in collaboration with the Area Education Agency and follow the directives from the Implementation Advisor, Sandy Schmitz. Ms. Williamson stated that Sandy Schmitz works for and has the authority of the Iowa Department of Education and summarized her primary role and responsibilities in the district. They also have an expectation the district will create a long-term and sustainable plan to ensure these errors are not repeated. She emphasized this will not be a one or two year correction process but could take three to five years and said the state is committed to being here and working with the district side by side.

Director Beck asked for clarification on least restrictive environment and asked if there is a benchmark for how many students are supposed to be in general education for a particular amount of time during the school day. Ms. Guy said there is never a target number for identifying students or where they are placed but are assessed according to their individual needs and served appropriately to those individual needs. Mr. Tilly also emphasized the concept of free and appropriate public education with an emphasis on what is appropriate is individually defined. Director DeSalvo asked for clarification on restraint and more clarification of what this means and Mr. Tully referred the board to Iowa Administrative Code Chapter 281-103.8 that lists provisions concerning physical restraint. Director DeSalvo asked if the district may be able to learn from other districts where this is also taking place. Ms. Williamson stated they recently conducted a visit in Iowa City concerning special education issues and she encouraged the district to contact and learn from Iowa City. Director DeSalvo asked them to review the progress made so far by the district. Ms. Williamson said the district has held hundreds of IEP team meetings and participated in some professional learning around the area of disproportionality with some great experts coming into the district. However, they would like to see more growth in this area and emphasized the importance of setting measurable goals so the district can determine there is clear progress being made. Sandy Schmitz

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added that the progress has been good for individual students but changes are needed in adult behavior and policy and procedures to address the systemic issues. Director Hayes asked what they recommend to change the mindset necessary to address the issue of disproportionality. Ms. Williamson responded the best thing is implementing good initiatives that get kids reading proficiently by third grade and working with the MTSS system in the district. She said the state is more than willing to help with this because they have many resources available. Mr. Tilly said when they talk about seclusion or restraint they are typically talking about reaction or response when a situation has become problematic. He emphasized there is one universal in education and that is the best way to solve problems is to prevent them which requires working on the front side on culture and climate. Ms. Williamson also mentioned a statewide team that can help with consensus building and mental health first aid and also information on improving student and adult relationships.

President Johanson asked if the Home rule vs. Dillon's rule applies to or is related to the rules discussed concerning restraint. Mr. Tilly said he was not suggesting there would never be a situation where a student may get out of control and these measures are necessary, but the focus and emphasis for change needs to be on reducing the need to implement these types of practices because the student's learning and social emotional needs have been dealt with on the front end. Johanson referenced the graph discussed earlier and believes there needs to be a way to collect real time data, either on the district level or state level, and that annual reports or data is not sufficient. Ms. Guy stated the department collects annual data but the data the district collects on seclusion is collected on a daily basis and this could be included in the goal setting exercises the district does around disproportionality. Johanson asked for clarification on the timelines for compliance. Ms. Williamson said there is a distinction in the report between the individual level citations on noncompliance concerning IEP's and the systemic noncompliance. The individual non-compliance on the IEP's must be corrected within one year from the date the citation was issued. The systemic non-compliance where they reference addressing disproportionality issues will take longer.

President Johanson asked for additional guidance on their role as the school board in moving forward to correct these issues. Mr. Tilly stated the board needs to be very clear with leadership on the need to establish measurable goals and metrics and then holding administration accountable. He said the AEA and the state can provide support to the board and the administration. Ms. Williamson also emphasized the importance of establishing measurable goals and for the board to determine how they want to measure success and to work cooperatively with Sandy Schmitz on this process and that everything needs to be on the table for the district. She said it may also be necessary to take some things off the people's plates. President Johanson thanked everyone for attending and especially all the guests for the Department of Education for providing clarification and offering their support to the district in moving forward.

### **ADJOURNMENT**

Director Hayes moved the board adjourn. Director DeSalvo seconded the motion.

President Johanson declared the meeting adjourned at 6:20PM.

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Mary Correthers, Board Secretary/Treasurer