

# **Burnsville-Eagan-Savage Public School District Total Special Education System (TSES) Manual**

This document serves as the Total Special Education System manual for Burnsville-Eagan-Savage Public School District in accordance with Minnesota Rule 3525.1100. This plan also includes an assurance for compliance with the federal requirements pertaining to districts' special education responsibilities found in United States Code, title 20, chapter 33, and Code of Federal Regulations, title 34, part 300. This document is a companion to the Application for Special Education Funds – Statement of Assurances (ED-01350-29).

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## **I. Child Study Procedures**

The District's identification system is developed according to the requirement of nondiscrimination as Burnsville-Eagan-Savage Public School District does not discriminate in education on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.

### **A. Identification**

Burnsville-Eagan-Savage Public School District has developed systems designed to identify pupils with disabilities beginning at birth, pupils with disabilities attending public and nonpublic schools, including Virtual Academy, and pupils with disabilities who are of school age and are not attending any school.

Infant and toddler intervention services under United States Code, title 20, chapter 33, section 1431 et seq., and Code of Federal Regulations, title 34, part 303, are available in Burnsville-Eagan-Savage Public School District to children from birth through 2 years of age who meet the outlined criteria.

The team determines that a child from birth through the age of 2 years is eligible for infant and toddler intervention services if:

- A. The child meets the criteria of one of the disability categories in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in sub item (1), (2), or (3):
  - (1) The child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay; or
  - (2) The child is experiencing a developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean, as measured by the appropriate diagnostic measures and procedures, in one or more of the following areas:

- (a) Cognitive development;
- (b) Physical development, including vision and hearing;
- (c) Communication development;
- (d) Social or emotional development;
- (e) Adaptive development.

(1) The child's eligibility is established through the application of informed clinical opinion. Informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments to establish eligibility.

The team shall determine that a child from the age of 3 years through the age of 6 years is eligible for special education when:

- A. The child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in sub item (1) and the criteria in sub item (2). Burnsville-Eagan-Savage Public School District has elected the option of implementing these criteria for developmental delay.

(1) The child:

- (a) Has a diagnosed physical or mental condition or disorder that has a high probability or resulting in developmental delay; or*
- (b) Has a delay in each of two or more of the areas of cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development, that is verified by an evaluation using one or more technically adequate, norm-referenced instruments. The instruments must be individually administered by appropriately trained professionals and the scores must be at least 1.5 standard deviations below the mean in each area.*

(2) The child's need for special education is supported by:

- (a) At least one documented, systematic observation in the child's routine setting by an appropriate professional or, if observation in the daily routine setting is not possible, the alternative setting must be justified;*
- (b) A developmental history; and*
- (c) At least one other evaluation procedure in each area of identified delay that is conducted on a different day than the medical or norm-referenced evaluation; which may include criterion referenced instruments, language samples, or curriculum-based measures.*

Burnsville-Eagan-Savage Public School District's plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. Burnsville-Eagan-Savage Public School District implements its interventions consistent with that plan. The plan details the specific scientific, research-based intervention (SRBI) approach, including timelines for progression through the model;

any SRBI that is used, by content area; the parent notification and consent policies for participation in SRBI; procedures for ensuring fidelity of implementation; and a district staff training plan. Burnsville-Eagan-Savage Public School District plan for identifying a child with a specific learning disability is attached as Appendix [A].

## B. Evaluation

Evaluation of the child and assessment of the child and family will be conducted in a manner consistent with Code of Federal Regulations, title 34, section 303.321.

- A. *General.* (1) The lead agency must ensure that, subject to obtaining parental consent in accordance with § 303.420(a)(2), each child under the age of three who is referred for evaluation or early intervention services under this part and suspected of having a disability, receives—
- (i) A timely, comprehensive, multidisciplinary evaluation of the child in accordance with paragraph (b) of this section unless eligibility is established under paragraph (a)(3)(i) of this section; and
  - (ii) If the child is determined eligible as an infant or toddler with a disability as defined in § 303.21;
    - (A) A multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs;
    - (B) A family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of that infant or toddler. The assessments of the child and family are described in paragraph (c) of this section and these assessments may occur simultaneously with the evaluation, provided that the requirements of paragraph (b) of this section are met.
- (2) As used in this part—
- (i) *Evaluation* means the procedures used by qualified personnel to determine a child's initial and continuing eligibility under this part, consistent with the definition of *infant or toddler with a disability* in § 303.21. An *initial evaluation* refers to the child's evaluation to determine his or her initial eligibility under this part;
  - (ii) *Assessment* means the ongoing procedures used by qualified personnel to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child's eligibility under this part and includes the assessment of the child, consistent with paragraph (c)(1) of this section and the assessment of the child's family, consistent with paragraph (c)(2) of this section; and
  - (iii) *Initial assessment* refers to the assessment of the child and the family assessment conducted prior to the child's first IFSP meeting.
- (3)(i) A child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child) under this part if those records indicate that the child's level of functioning

in one or more of the developmental areas identified in § 303.21(a)(1) constitutes a developmental delay or that the child otherwise meets the criteria for an infant or toddler with a disability under §303.21. If the child's part C eligibility is established under this paragraph, the lead agency or EIS provider must conduct assessments of the child and family in accordance with paragraph (c) of this section.

Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. In addition, the lead agency must ensure that informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility under paragraph (b) of this section.

- (4) All evaluations and assessments of the child and family must be conducted by qualified personnel, in a nondiscriminatory manner, and selected and administered so as not to be racially or culturally discriminatory.
- (5) Unless clearly not feasible to do so, all evaluations and assessments of a child must be conducted in the native language of the child, in accordance with the definition of *native language* in § 303.25.
- (6) Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed, in accordance with the definition of *native language* in § 303.25.
- (7) Procedures for evaluation of the child. In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child's eligibility under this part. Procedures must include –
  - (1) Administering an evaluation instrument;
  - (2) Taking the child's history (including interviewing the parent);
  - (3) Identifying the child's level of functioning in each of the developmental areas in §303.21(a)(1);
  - (4) Gathering information from other sources such as family members, other care-givers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child's unique strengths and needs; and
  - (5) Reviewing medical, educational, or other records.

B. Procedures for assessment of the child and family.

- (1) An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs. The assessment of the child must include the following:

- (i) A review of the results of the evaluation conducted by paragraph (b) of this section;
  - (ii) In Person, or virtual observations of the child; and
  - (iii) The identification of the child's needs in each of the developmental areas in § 303.21(a)(1).
- (2) A family-directed assessment must be conducted by qualified personnel in order to identify the family's resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. The family-directed assessment must –
- (i) Be voluntary on the part of each family member participating in the assessment;
  - (ii) Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
  - (iii) Include the family's description of its resources, priorities, and concerns related to enhancing the child's development.

The team conducts an evaluation for special education purposes within a reasonable time not to exceed 30 school days from the date the district receives parental permission to conduct the evaluation or the expiration of the 14 calendar-day parental response time in cases other than initial evaluation, unless a conciliation conference or hearing is requested.

Burnsville-Eagan-Savage Public School District conducts full and individual initial evaluation before the initial provision of special education and related services to a pupil. The initial evaluation consists of procedures to determine whether a child is a pupil with a disability that adversely affects the child's educational performance as defined in *Minnesota Statutes, section 125A.02*, who by reason thereof needs special education and related services, and to determine the educational needs of the pupil. The district proposing to conduct an initial evaluation to determine if the child qualifies as a pupil with a disability obtains informed consent from the parent of the child before the evaluation is conducted. Parental consent for evaluation is not construed as consent for placement for receipt of special education and related services. The District will not override the written refusal of a parent to consent to an initial evaluation or re-evaluation.

## Evaluation Procedures

Evaluations and reevaluations are conducted according to the following procedures:

- A. Burnsville-Eagan-Savage Public School District shall provide notice to the parents of the pupil, according to Code of Federal Regulations, title 34, sections 300.500 to 300.505, that describes any evaluation procedures the district proposes to conduct.
- B. In conducting the evaluation, Burnsville-Eagan-Savage Public School District:
  - (1) Uses a variety of evaluation tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that are designed to assist in determining whether the child is a pupil with a disability and the content of the pupil's individualized education program, including information related to enabling the pupil to be involved in and progress in the general curriculum, or for preschool pupils, to participate in appropriate activities;
  - (2) Does not use any single procedure as the sole criterion for determining whether a child is a

pupil with a disability or determining an appropriate education program for the pupil; and

- (3) Uses technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

C. Burnsville-Eagan-Savage Public School District ensures that:

- (1) Tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not be discriminatory on a racial or cultural basis, and are provided and administered in the pupil's native language or other mode of communication, unless it is clearly not feasible to do so;
- (2) Materials and procedures used to evaluate a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education and related services, rather than measure the child's English language skills;
- (3) Any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests;
- (4) The child is evaluated in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- (5) Evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the pupil are provided;
- (6) If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report;
- (7) Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
- (8) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure; and
- (9) In evaluating each pupil with a disability, the evaluation is sufficiently comprehensive to identify all of the pupil's special education and related service needs, whether or not commonly linked to the disability category in which the pupil has been classified.

D. Upon completion of administration of tests and other evaluation materials, the determination of whether the child is a pupil with a disability as defined in Minnesota Statutes, section 125A.02, shall be made by a team of qualified professionals and the parent of the pupil in accordance with item E, and a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

E. In making a determination of eligibility under item D, a child shall not be determined to be a pupil with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency, and the child does not otherwise meet eligibility criteria under

parts 3525.1325 to 3525.1351.

### **Additional requirements for evaluations and reevaluations**

- A. As part of an initial evaluation, if appropriate, and as part of any reevaluation under this part, or a reinstatement under part 3525.3100, the IEP team and other qualified professionals, as appropriate, shall:
- (1) Review existing evaluation data on the pupil, including evaluations and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation; and
  - (2) On the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine whether the pupil has a particular category of disability, as described in *Minnesota Statutes, section 125A.02*, or, in case of a reevaluation of a pupil, whether the pupil continues to have such a disability, the present levels of performance and educational needs of the pupil, whether the pupil needs special education and related services, or in the case of a reevaluation of a pupil, whether the pupil continues to need special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.
- B. The district administers such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, sub item (2).
- C. The district obtains informed parental consent, in accordance with subpart 1, prior to conducting any reevaluation of a pupil, except that such informed parental consent need not be obtained if the district can demonstrate that it had taken reasonable measures to obtain such consent and the pupil's parent has failed to respond.
- D. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the pupil continues to be a pupil with a disability, the district shall notify the pupil's parents of that determination and the reasons for it, and the right of such parents to request an evaluation to determine whether the pupil continues to be a pupil with a disability, and shall not be required to conduct such an evaluation unless requested to by the pupil's parents.
- E. A district evaluates a pupil in accordance with federal regulation before determining that the pupil is no longer a pupil with a disability.

The district follows the restrictive procedure statute, *Minnesota Statute 125A.094-125A.0942*. See the attached Restrictive Procedure Plan as Appendix [B]

### **Procedures for determining eligibility and placement**

- A. In interpreting the evaluation data for the purpose of determining if a child is a pupil with a disability under parts 3525.1325 to 3525.1351 and the educational needs of the child, the school district:
- (1) Draws upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
  - (2) Ensures that the information obtained from all of the sources is documented and carefully

considered.

- B. If a determination is made that a child is a pupil with a disability who needs special education and related services, an IEP is developed for the pupil according to Minnesota Rule 3525.2810.

### **Evaluation report**

An evaluation report is completed and delivered to the pupil's parents within the specified evaluation timeline. At a minimum, the evaluation report includes:

- A. A summary of all evaluation results;
- B. Documentation of whether the pupil has a particular category of disability or, in the case of a reevaluation, whether the pupil continues to have such a disability;
- C. The pupil's present levels of performance and educational needs that derive from the disability;
- D. Whether the child needs special education and related services or, in the case of a reevaluation, whether the pupil continues to need special education and related services; and
- E. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.

### **C. Plan for Receiving Referrals**

Burnsville-Eagan-Savage Public School District's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as Appendix [C].

## **II. Method of Providing the Special Education Services for the Identified Pupils**

Burnsville-Eagan-Savage Public School District provides a full range of educational service alternatives. All students with disabilities are provided the special instruction and services which are appropriate to their needs. The following is representative of Burnsville-Eagan-Savage Public School District's method of providing the special education services for the identified pupils, sites available at which service may occur, and instruction and related services are available.

Appropriate program alternatives to meet the special education needs, goals, and objectives of a pupil are determined on an individual basis. Choice of specific program alternatives are based on the pupil's current levels of performance, pupil special education needs, goals, and objectives, and must be written in the IEP. Program alternatives are comprised by the type of services provided, the setting in which services occur, and the amount of time and frequency in which special education services occur. A pupil may receive special education services in more than one alternative based on the IEP or IFSP.

- A. Method of providing the special education services for the identified pupils in both the virtual and brick and mortar schools:
  - (1) One-to-one services in the special education setting

- (2) Small group services in the special education setting
- (3) Co-teaching in the general education setting
- (4) One-to-one services in the general education setting
- (5) Small group services in the general education setting
- (6) Indirect services

B. Sites available at which services may occur:

- (1) Diamondhead Education Center, 200 W. Burnsville Pkwy., Burnsville, MN 55337; Early Childhood Special Education Services (Birth to age 5)
- (2) Edward Neill Elementary School, 13409 Upton Ave S, Burnsville, MN 55337; Grades Pre-K-5 general and special education services (Settings 1, 2 & 3)
- (3) Gideon Pond Elementary School, 613 E. 30th St., Burnsville, MN 55337; Grades Pre-K-5 general and special education services (Settings 1 & 2)
- (4) Harriet Bishop Elementary School, 14400 O'Connell Rd., Savage, MN 55378; Grades Pre-K-5 general and special education services (Settings 1, 2 & 3)
- (5) Hidden Valley Elementary School, 13875 Glendale Rd., Savage, MN 55378; Grades Pre-K-5 general and special education services (Settings 1, 2 & 3)
- (6) Rahn Elementary School, 4424 Sandstone Dr., Eagan, MN 55122; Grades Pre-K-5 general and special education services (Settings 1, 2 & 3)
- (7) Sky Oaks Elementary School, 100 E 134th St., Burnsville, MN 55337; Grades Pre-K-5 general and special education services (Settings 1, 2 & 3)
- (8) Vista View Elementary School, 13109 Co Rd 5, Burnsville, MN 55337; Grades Pre-K-5 general and special education services (Settings 1, 2 & 3)
- (9) William Byrne Elementary School, 11608 River Hills Dr., Burnsville, MN 55337; Grades Pre-K-5 general and special education services (Settings 1, 2 & 3)
- (10) Eagle Ridge Middle School, 13995 Glendale Rd., Savage, MN 55378; Grades 6-8 general and special education services (settings 1, 2, & 3)
- (11) Nicollet Middle School, 400 E 134th St., Burnsville, MN 55337; Grades 6-8 general and special education services (settings 1, 2, & 3)
- (12) Burnsville High School, 600 E. Highway 13, Burnsville, MN 55337; Grades 9-12 general and special education services (settings 1, 2, & 3)
- (13) Burnsville Alternative High School, 2140 Diffley Rd., Eagan, MN 55122; Grades 10-12 general and special education services (settings 1 & 2)
- (14) Burnsville-Eagan-Savage Transition Program, 100 River Ridge Ct., Burnsville, MN 55337; Ages 18-21 transition services
- (15) ISD 191 Virtual Academy, 200 W. Burnsville Pkwy, Burnsville, MN, 55337; Grades Pre K-12, (settings 1, 2, & 3)
- (16) Intermediate School District 917. Purchase of services and program placements to ensure a continuum of services for Burnsville-Eagan-Savage students having access to Free and Appropriate Public Education. Programs, services, and locations can be accessed by clicking on the following link: [Intermediate School District #917: Home](#)
- (17) Home-bound and Home-based services

C. Available instruction and related services:

- (1) Health Services
- (2) Occupational Therapy

- (3) Physical Therapy
- (4) School Social Work Services
- (5) Speech/Language Services
- (6) Developmental Adaptive Physical Education (DAPE) Services
- (7) Psychological Services
- (8) Transition Services
- (9) Educational Assistant/Personal Care Assistant

### III. Administration and Management Plan.

Burnsville-Eagan-Savage Public School District utilizes the following administration and management plan to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils:

A. The following table illustrates the organization of administration and management to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils:

<b>Staff Name and Title</b>	<b>Contact Information (phone/email/ mailing address/office location)</b>	<b>Brief Description of Staff Responsibilities Relating to Child Study Procedures and Method of Providing Special Education Services</b>
Amy Piotrowski, Interim Director of Special Education	952.707.6261  <a href="mailto:apiotrowski@isd191.org">apiotrowski@isd191.org</a>  Diamondhead Education Center, 200 W. Burnsville Pkwy., Burnsville, MN 55337	Program development; program evaluation; fiscal/budget administration of special needs programming; and oversight of due process, Social Workers, and Cultural Liaisons.
Carolyn Cherry, Special Education Supervisor	952.707.6260  <a href="mailto:ccherry@isd191.org">ccherry@isd191.org</a>  Diamondhead Education Center, 200 W. Burnsville Pkwy., Burnsville, MN 55337	Assist the Director with the areas listed above.  Early Childhood program supervisor.
Kristi Wanzek Special Education Supervisor, Interim	952.707.6083  <a href="mailto:kwanzek@isd191.org">kwanzek@isd191.org</a>  Diamondhead Education Center, 200 W. Burnsville Pkwy., Burnsville, MN 55337	Assist the Director with the areas listed above.  Supervisor for elementary schools.
Dana Thompson Special Education Supervisor	952.707.6043  <a href="mailto:dthompson@isd191.org">dthompson@isd191.org</a>  Diamondhead Education Center, 200 W. Burnsville Pkwy., Burnsville, MN 55337	Assist the Director with the areas listed above.  Supervisor for middle schools and Virtual Academy.

<p>Jennifer Middendorf, Special Education Supervisor</p>	<p>952.707.2639  <a href="mailto:jmiddendorf@isd191.org">jmiddendorf@isd191.org</a>  Diamondhead Education Center, 200 W. Burnsville Pkwy., Burnsville, MN 55337</p>	<p>Assist the Director with the areas listed above.  Supervisor for high schools and the Burnsville-Eagan-Savage Transition program.</p>
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- B. Due Process assurances available to parents: Burnsville-Eagan-Savage Public School District has appropriate and proper due process procedures in place to assure effective and efficient results of child study procedures and methods of providing special education services for the identified pupils, including alternative dispute resolution and due process hearings. Descriptions of these processes are:
- (1) Prior written notice to a) inform the parent that except for the initial placement of a child in special education, the school district will proceed with its proposal for the child's placement or for providing special education services unless the child's parent notifies the district of an objection within 14 days of when the district sends the prior written notice to the parent; and b) state that a parent who objects to a proposal or refusal in the prior written notice may request a conciliation conference or another alternative dispute resolution procedure.
  - (2) Burnsville-Eagan-Savage Public School District will not proceed with the initial evaluation of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child.
  - (3) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless medical, dental, mental and other health services are necessary, in the professional's judgment, that the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.
  - (4) Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability through conciliation, mediation, facilitated team meetings, or other alternative process. All dispute resolution options are voluntary on the part of the parent and must not be used to deny or delay the right to a due process hearing. All dispute resolution processes are provided at no cost to the parent.
  - (5) Conciliation Conference: a parent has the opportunity to meet with appropriate district staff in at least one conciliation conference if the parent objects to any proposal of which the parent receives prior written notice. Burnsville-Eagan-Savage Public School District holds a conciliation conference within ten calendar days from the date the district receives a parent's objection to a proposal or refusal in the prior written notice. All discussions held during a conciliation conference are confidential and are not admissible in a due process hearing. Within five school days after the final conciliation conference, the district must prepare and provide to the parent a conciliation conference memorandum that describes the District's final proposed offer of service. This memorandum is admissible in evidence in any subsequent proceeding.
  - (6) In addition to offering at least one conciliation conference, Burnsville-Eagan-Savage Public School District informs parents of other dispute resolution processes, including at least

mediation and facilitated team meetings. The fact that an alternative dispute resolution process was used is admissible in evidence at any subsequent proceeding. State-provided mediators and team meeting facilitators shall not be subpoenaed to testify at a due process hearing or civil action under special education law nor are any records of mediators or state-provided team meeting facilitators accessible to the parties.

- (7) Descriptions of the mediation process, facilitated team meetings, state complaint, and impartial due process hearings may be found in the Burnsville-Eagan-Savage Public School District Procedural Safeguard Notice, which can be located by clicking on [Resources](#). The Procedural Safeguard Notices are available in several different languages and can be found by clicking on [Procedural Safeguards Notice](#).

#### IV. Interagency Agreements the District has Entered

Burnsville-Eagan-Savage Public School District has entered in the following interagency agreements or joint powers board agreements for eligible children, ages 3 to 21, to establish agency responsibility that assures that interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources:

Name of Agency	Terms of Agreement	Agreement Termination/ Renewal Date	Comments
Intermediate District 917	See Appendix [D]	Annual	
Community Transition Interagency Committee	See Appendix [D]	Annual	
Interagency Early Intervention Services	See Appendix [D]	Annual	
Head Start	See Appendix [D]	Annual	

#### V. Special Education Advisory Committee

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, Burnsville-Eagan-Savage Public School District has a special education advisory council.

- A. Burnsville-Eagan-Savage Public School District's Special Education Advisory Committee is individually established.
  - B. Burnsville-Eagan-Savage Public School District Special Education Advisory Committee is not a subgroup of an existing board/council/committee.
  - C. At least half of Burnsville-Eagan-Savage Public School District's parent advisory committee members are parents of students with a disability.
- The district has three nonpublic schools located within its boundaries. Parents of students with

disabilities in a nonpublic school are able to serve as members on the special education advisory committee.

Each local committee meets no less than once each year.

D. Burnsville-Eagan-Savage Public School District's Special Education Advisory Committee meeting dates and minutes can be found on the [Special Education](#) website.

E. The operational procedures of Burnsville-Eagan-Savage Public School District's Special Education Advisory Committee are attached as Appendix [E].

## **V. Assurances**

Code of Federal Regulations, section 300.201: Consistency with State policies.

Burnsville-Eagan-Savage Public School District, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under sections 300.101 through 300.163, and sections 300.165 through 300.174. (Authority: 20 U.S.C. § 1413(a)(1)).

Yes, Burnsville-Eagan-Savage Public School District's provide this assurance.

## ~Appendix A~

### **Specific Learning Disability - Definition**

"Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia."

*MN Rule 3525.1341*

The disorder is:

A. manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the individual does not learn at an adequate rate for the child's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment.

B. demonstrated primarily in academic functioning, but may also affect other developmental, functional, and life adjustment skill areas; and may occur with, but cannot be primarily the result of: visual, hearing, or motor impairment; cognitive impairment; emotional disorder; or environmental, cultural, economic influences, limited English proficiency or lack of appropriate instruction in reading or math.

### **Criteria**

A child is eligible and in need of special education and related services for a specific learning disability when the child meets the criteria in items A, B, or C or in items A, B, and D below. Information about each item must be sought from the parent and must be included as part of the evaluation data. The evaluation data must confirm that the effects of the child's disability occur in a variety of settings. The child must receive two interventions, as defined in Minnesota Statutes, section 125A.56, prior to evaluation, unless the parent requests an evaluation or the IEP team waives this requirement because it determines the child's need for an evaluation is urgent.

A. The child does not achieve adequately in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation or mathematical problem solving, in response to appropriate classroom instruction and either:

1) the child does not make adequate progress to meet age or state-approved grade-level standards in one or more of the areas listed above when using a process based on the child's response to scientific, research-based interventions (SRBI) or:

2) the child exhibits a pattern of strengths and weaknesses in performance, achievement or both, relative to age, state-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability. The performance measures used to verify this finding must be representative of the child's curriculum or useful for developing instructional goals and objectives. Documentation is required to verify this finding. Such documentation includes evidence of low achievement from the following sources, when available: cumulative record reviews; class work samples; anecdotal teacher records; statewide and district-wide assessments; formal, diagnostic, and informal tests; curriculum-based evaluation results; and results from targeted support programs in general education.

B. The child has a disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings by behaviors such as

inadequate: acquisition of information; organization; planning and sequencing; working memory, including verbal, visual, or spatial; visual and auditory processing; speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks.

C. The child demonstrates a severe discrepancy between general intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation or mathematical problem solving. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The group shall consider these standardized test results as only one component of the eligibility criteria. The instruments used to assess the child's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures. For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean of the distribution of difference scores for the general population of individuals at the child's chronological age level.

D. The child demonstrates an inadequate rate of progress. Rate of progress is measured over time through progress monitoring while using intensive SRBI, which may be used prior to a referral or as part of an evaluation for special education. A minimum of 12 data points are required from a consistent intervention implementation over at least seven school weeks in order to establish the rate of progress. The rate of progress is adequate when the child's:

- 1) rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
- 2) progress will likely not be maintained when instructional supports are removed;
- 3) level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
- 4) level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data is used and differs from either state or national data, the group must provide a rationale to explain the difference.

## ~Appendix B~

### **ISD ONE91 RESTRICTIVE PROCEDURES PROCESSES**

#### **What must happen when restrictive procedures have been used?**

1. When a restrictive procedure is used, staff must notify the parent/guardian on the same day, or if the school is unable to provide same-day notice, notice must be sent within two days by written or electronic means or as otherwise indicated by the child's parent/guardian. The IEP or BSP must indicate how the parent/guardian wants to be notified when a restrictive procedure has been used.
2. Document the parent/guardian notification in the student's communication log.
3. The team must convene within 48 hours for a debriefing of the incident. Members of the debriefing meeting include: any individuals involved in the situation, a licensed staff member, and a neutral party. The neutral party must facilitate the debriefing meeting.
4. The Restrictive Procedure Form and Restrictive Procedure Debriefing Form must be completed within 48 hours of the incident.
5. The completed Restrictive Procedure Form and Restrictive Procedure Debriefing Form will be uploaded by district staff and can be found on SpEd Forms under "History."

#### **Restrictive Procedures and the IEP**

1. If restrictive procedures are used on two separate school days within 30 calendar days, an IEP meeting must be held within 10 school days. When counting the two school days in a 30-day period, also consider removal by peace officer when determining whether an IEP meeting needs to occur.
2. If a student who has an IEP is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or school staff person during the school day twice in a 30-day period, the IEP team must meet. When counting the two school days in a 30-day period, also consider restrictive procedures used by school staff when determining whether an IEP meeting needs to occur.
3. If a pattern of use emerges and the student's IEP or BSP does not provide for using restrictive procedures in an emergency, an IEP meeting must be held.
4. An IEP meeting must be held if requested by a parent or the district after restrictive procedures are used. 5 The use of restrictive procedures must be reviewed at the student's annual IEP meeting.
6. If restrictive procedures are being considered as an addition to a student's IEP/BSP, a Special Education Supervisor must be involved in the process.
7. At the IEP meeting, the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BSP.
8. If the IEP team determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a student on ten or more school days during the same school year, the team, as appropriate, either (a) consults with other professionals, (b) reviews existing evaluations, resources, and successful strategies, or (c) considers whether to reevaluate the student.

## **RESTRICTIVE PROCEDURES STATUTES AND DEFINITIONS**

### **Restrictive Procedure**

A restrictive procedure means the use of physical holding or seclusion of students with disabilities in an emergency in Minnesota schools. Restrictive procedures may be used only in response to behavior that constitutes an emergency, even if written into a student's IEP/BSP. When used, the restrictive procedure must be the least intrusive intervention that effectively responds to the emergency.

*Restrictive procedures are governed under Minnesota Statutes, Sections 125A.0941 and 125A.0942.*

### **Emergency**

An emergency means a situation where immediate intervention is needed to protect a student or other individual from physical injury. The restrictive procedure must end when the threat of harm ends. If the emergency incident has already occurred and no threat of physical injury currently exists, restrictive procedures cannot be used.

### **Physical Holding**

Physical holding means physical intervention intended to hold a student immobile or limit a student's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a student in order to protect a student or other individual from physical injury. The term physical holding does not mean physical contact that a) Helps a student respond or complete a task; b) Assists a student without restricting the student's movement; c) Is needed to administer an authorized health-related service or procedure; or d) Is needed to physically escort a student when the student does not resist or the student's resistance is minimal.

### **Physical Escort**

A physical escort (guide and assist) means physical intervention or contact used as a behavior management technique to guide a student to safety or away from an unsafe or potentially harmful and escalating situation. A physical escort is not considered a restrictive procedure as the student does not resist or the resistance is minimal.

### **Seclusion**

Seclusion means confining a student alone in a room from which egress is barred. Before using a room for seclusion, a school must: (a) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and (b) register the room with the commissioner, who may view that room.

## ~Appendix C~

### **How do I refer my child?**

Parents, teachers, physicians or any concerned person can refer a child for potential special education services.

#### *Birth thru Age 5:*

Referrals for preschool children ages birth thru 5 may be made by contacting the Early Childhood Special Education Office at (952)707-6610.

#### *K-12:*

Referrals for students in Kindergarten through grade 12 can be made by contacting the child's teacher or the principal of the school your child attends.

**Edward Neill Elementary School**, 13409 Upton Ave S, Burnsville, MN 55337, (952) 707-3100

**Gideon Pond Elementary School**, 613 E. 130th St., Burnsville, MN 55337, (952) 707-3000

**Harriet Bishop Elementary School**, 14400 O'Connell Rd., Savage, MN 55378, (952) 707-3900

**Hidden Valley Elementary School**, 13875 Glendale Rd., Savage, MN 55378, (952) 707-3800

**Rahn Elementary School**, 4424 Sandstone Dr., Eagan, MN 55122, (952) 707-3600

**Sky Oaks Elementary School**, 100 E 134th St., Burnsville, MN 55337, (952) 707-3700

**Vista View Elementary School**, 13109 Co Rd 5, Burnsville, MN 55337, (952) 707-3400

**William Byrne Elementary School**, 11608 River Hills Dr., Burnsville, MN 55337, (952) 707-3500

**Eagle Ridge Middle School**, 13995 Glendale Rd., Savage, MN 55378, (952) 707-2800

**Nicollet Middle School**, 400 E 134th St., Burnsville, MN 55337, (952) 707-2600

**Burnsville High School**, 600 E. Highway 13, Burnsville, MN 55337, (952) 707-2100

**Burnsville Alternative High School**, 2140 Diffley Rd., Eagan, MN 55122, (952) 707-4020

Once a referral is received, a team of professionals will meet to review the concerns and determine how to proceed. Options available to the team in attempting to resolve the reported academic or behavior issues include:

- ▣ developing and implementing interventions within the general education setting that are designed to target the identified problem;

■ making a referral to the Section 504 team to determine if the student is eligible for and needs an accommodation plan.

■ conducting a comprehensive evaluation to determine if the child is eligible for and needs special education instruction. If an evaluation is warranted, parents will be asked for their written permission to assess their child before any testing occurs.

### **What must occur prior to a special education evaluation for K-12 Students?**

To assure that students are given ample opportunity to succeed within the general education program, *Minnesota Statute 125A.56* requires that schools implement and document at least two “instructional strategies, alternatives or interventions” within the general education classroom prior to referring a child for special education evaluation. In many instances, the child’s needs can be met by changing instructional strategies or through other interventions within the general classroom.

The duration of the interventions are based on the individual child’s needs. The interventions must be of sufficient duration to allow the child to succeed from the new instructional strategies and/or interventions. However, the intervention process must not be used to unduly delay a special education evaluation if it becomes apparent the interventions are not successful.

## ~Appendix D~

### **A. Intermediate School District 917**

Burnsville-Eagan-Savage School District collaborates with Intermediate School District 917 to provide students with disabilities an appropriate individualized educational program. These programs and services are offered to support the local school districts with comprehensive special education services that can be offered with enhanced efficiency through a cooperative arrangement under the direction of District 917.

Click on the following link for more information regarding Intermediate District 917:

[Intermediate School District #917: Home](#)

### **B. Community Transition Interagency Committee [CTIC]**

Burnsville-Eagan-Savage School District is a member of the Dakota County Community Transition Interagency Committee [CTIC]. It is established with other districts in Dakota County for youth with disabilities, beginning at grade 9 or 14 years old, and their families.

The mission of CTIC is to promote effective transition services through community collaboration for youth that will prepare them for adult life. The responsibilities of CTIC are to:

- (a) identify resources and funding offered within the community to support transition-aged youth with disabilities and their families.
- (b) address present and future transition needs of individual students as identified in their individual education plans (IEPs) through the facilitation of multi-agency teams.
- (c) assure that transition needs of youth with disabilities are met by developing a community plan to include mission, goals/objectives, and an implementation plan.
- (d) recommend changes or improvements in the community system of transition services.
- (e) share information between agencies to include data, exemplary programs, special projects, effectiveness surveys, and creative funding of programs.

Click on the following link for more information regarding the Community Transition Interagency Committee:

[Community Transition Interagency Committee \(CTIC\)](#)

### **C. Interagency Early Intervention Committee [IEIC]**

Burnsville-Eagan-Savage School District is a member of the Region 11 Interagency Early Intervention Committee. This committee develops awareness plans to identify and refer children to Early Childhood and Early Intervention Services. They also establish and evaluate processes such as identification, referring, and assessing as well as recommending improvements to these processes.

Click on the following link for more information about Interagency Early Intervention Services:

[Early Childhood Development](#)

### **D. Head Start**

Burnsville-Eagan-Savage School District partners with the Head Start program to provide services in inclusive settings with typically developing peers. Children receiving services in this program receive support from licensed Early Childhood Special Education [ECSE] staff.

Click on the following link for more information regarding Head Start:

[CAP | Community Action Partnership of Scott, Carver, Dakota Counties » Head Start](#)

## ~Appendix E~

### **Special Education Advisory Committee (SEAC)**

#### **Purpose of the SEAC**

To collaborate with the District's Office of Student Services to address the needs of unique learners so they can reach their full potential; build strong relationships between families, schools, community, and the district to promote inclusion for all students and families; and empower and support parents to advocate for their children.

#### **Membership**

The committee shall include representatives from parents and district staff. The following are suggested areas of representation:

1. Parents of public and nonpublic schools representing children with one or more the following disabilities:

- A. Emotional/Behavioral Disorder
- B. Specific Learning Disability
- C. Early Childhood Special Education
- D. Developmental Cognitive Disability: Mild-Moderate
- E. Developmental Cognitive Disability: Severe-Profound
- F. Visual Impairment
- G. Deaf or Hard-of-Hearing
- H. Physical Impairment
- I. Other Health Disability
- J. Autism Spectrum Disorder
- K. Traumatic Brain Injury
- L. Speech and Language Impairment
- M. Severe Multiple Impairment
- N. Deaf-Blindness

2. District Staff

- A. Director of Special Education, Burnsville-Eagan-Savage School District ISD 191

## **Terms of Membership**

Committee members will serve for 2yr or 3yr terms. Persons interested in membership should call the Director at (952)707-6261 for more information.

## **Meetings**

The Special Education Advisory Committee shall meet at least one (1) time per year with special meetings called at the discretion of the Direction of Special Services. Meetings shall be limited to 90 minutes in length. Agendas will be set by the Director in collaboration with the committee.

## **Operational Procedures**

The committee role is advisory in nature. Notes of the committee meetings shall be posted on the Special Services webpage.