

2016

SPPS continues to follow the guidelines provided by MDE. Consult with your school psychologist for further guidance on how to proceed when students with "SNAP" eligibility enroll in your school.

MEMORANDUM

DATE: March 31, 2003

TO: Special Education Directors  
Other Interested Parties

FROM: Norena A. Hale, Ph.D.  
Director of Special Education

SUBJECT: Students Eligible For Special Education Under a Waiver From State Criteria  
Transferring To Another Minnesota School District

The purpose of this memorandum is to clarify district options and responsibilities for transfer students from a Minnesota school district which has a rule waiver for eligibility criteria. Only one district, Minneapolis Special School District #001 (Minneapolis) has such a waiver at this time, so the following explanation uses that waiver as an illustration.

Currently, Minneapolis has a waiver from the standards in Minn. R. 3525.1333 (Developmental Cognitive Disability) and Minn. R. 3525.1341 (Specific Learning Disability). This waiver allows Minneapolis to use its Problem Solving Model (PSM) which includes alternative evaluation procedures for identifying students eligible for special education. PSM protocols developed by CFL and approved for use with Minneapolis as part of its waiver meet federal standards which apply to all districts, but do not necessarily meet state criteria which create a more specific standard for eligibility.

Upon transfer to another Minnesota district, evaluation reports and IEPs for PSM students are controlling documents. This means that receiving districts must implement the active IEP. If there is doubt as to the student's eligibility or the suitability of that IEP, the receiving district must initiate a reevaluation and proceed as indicated by the results. Please note that during the course of this evaluation, the student continues to be eligible for special education services. The student's eligibility under PSM: Student's Needing Alternative Programming (SNAP) continues in the new district until a reevaluation and written report are completed which shows: 1) the student does not have a verifiable special education disability; 2) the student no longer requires special education services, and the student's parent(s) consent to the district's proposal to exit the student from special education; or 3) the student is eligible using state criteria. The new district may not cease implementing the active IEP upon transfer unless a change is agreed upon through the IEP process. A student has "stay put" rights to service based on the most recently agreed upon IEP. *See* 34 C.F.R. § 300.514(a).

When the receiving district ultimately conducts a reevaluation, whether this is done immediately as noted above or as part of the triennial review, the continuing eligibility decision for a transfer student must be based on state criteria using the conventional standards for SLD or DCD applied to reevaluations with other students, not the PSM (SNAP) standards.

If you have questions regarding the Minneapolis waiver or this memorandum, please contact Ken Kalamaha at 651.582.8584.