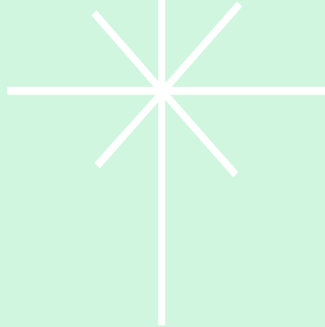


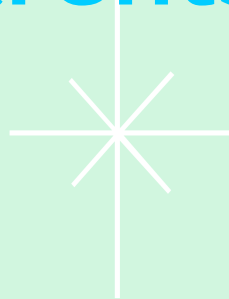
School District #564

Thief River Falls, Minnesota



**Special Education
Services**

A Guide for Parents



Special Education Services Thief River Falls Public Schools

A GUIDE FOR PARENTS

The **Individuals With Disabilities Education Act (IDEA)** is a federal law that was first known as the Education for All Handicapped Children Act (EACH) or Public Law 94-142. This law was reauthorized by the United States Congress in 2004 as the Individuals With Disabilities Education Act or Public Law 105-17.

THE SIX PRINCIPLES OF IDEA

1. **FAPE:** FAPE stands for Free and Appropriate Public Education. This is a fundamental right of students identified as requiring special education services under PL 94-142.
2. **APPROPRIATE EVALUATION:** Gathering information through assessment that enables the team to determine eligibility for Special Education and identify student needs for specialized instruction.
3. **INDIVIDUALIZED EDUCATION PROGRAM:** Student needs are identified in an evaluation. When students meet eligibility criteria, the team develops one of the following individualized plans for the specialized instruction and related services.
 - A. **IEP:** A written statement for each child with a disability that is developed, reviewed, and revised annually through the IEP team process. The IEP team is responsible for determining the appropriate placement of children with disabilities.
 - B. **TRANSITION PLAN:** This is a special part of the IEP that documents goals and objectives for a student that aid him/her in making the transition from school to work. These plans are typically created in the high school years. In Minnesota, students must have a Transition Plan in place by age 14 or grade 9.
 - C. **IFSP:** A written plan for providing services to a child and the child's family through interagency agreements. Procedural and program requirements for the IEP also apply to the educational components of the IFSP.
 - D. **IIIP:** Individual Interagency Intervention Plan. An IIIP is a plan that is available to families of children who are involved with more than one agency.

4. **LRE:** LRE stands for Least Restrictive Environment. Choosing the least restrictive environment depends on the learning needs of the individual student. For example, a student may benefit the most by being placed in a regular classroom environment. A second student may benefit by being removed from the class or having a special education teacher visit his/her classroom so that he/she can learn a specific subject.

5. **PARENT AND STUDENT PARTICIPATION IN DECISION-MAKING:** Students and parents have the opportunity to participate in the development of evaluation plans and individualized educational plans.

6. **PROCEDURAL SAFEGUARDS:** Safeguards to ensure that students with disabilities and their parents are provided with the information they need to make decisions about the provision of FAPE, and that procedures and mechanisms are in place to resolve disagreements between parties.

What is special education? Special Education is specially designed instruction and services that enable a student with a disability to access and benefit from the regular education program. Special education addresses the individual needs of the child and is provided at no cost to the parent. Special Education instruction and services may be provided to students from birth until July 1 after the child with a disability becomes 21 years old, but will not extend beyond secondary school or its equivalence.

Who is eligible for special education? After administering assessments and other evaluation measures, a group of qualified professionals and the parent of the student determine whether the student is a student with a disability, and identifies the educational needs of the child.

A student must not be determined to be a student with a disability if the determination factor for that determination is:

- Lack of appropriate instruction in reading or math; or
- Limited English proficiency; and
- The student does not otherwise meet eligibility criteria.

Every child who has a:

- Hearing impairment;
- Visual impairment;
- Speech or language impairment;
- Physical impairment;
- Other health disability;
- Cognitive disability;
- Emotional/behavioral disability;
- Autism;
- Traumatic brain injury;
- Severe multiple disability;

- Deaf-blind disability;

and needs special instruction and services as determined by State standards, is a child with a disability. In addition, every child under age three, and from three to age seven, who needs special instruction and services because the child has a substantial delay or has identifiable physical or mental condition known to hinder normal development is a child with a disability.

Infants and toddlers with disabilities means individuals from birth through age two who need early intervention services because they:

1. are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas:
 - cognitive development;
 - physical development including vision and hearing;
 - communication development;
 - social and emotional development;
 - adaptive development; or
2. has a diagnostic physical or mental condition that has a high probability of resulting in developmental delay.

How can parents find out if their child has a disability and qualifies for special education services? Parents or teachers, may request that a student be evaluated for special education services by contacting their child’s teacher, principal, counselor, or a special education teacher. The student must meet the minimum qualifying criteria under one of the disability areas specified in the State Department of Education Rules. The district generally gives consideration to assessment results provided by outside clinics or agencies, but it may conduct its own assessment. The district is not required to implement recommendations from an outside source unless the evaluation team agrees with the recommendations and elects to implement them.

What must be done prior to a special education evaluation? To assure that students are given ample opportunity to succeed in the regular education program, Minnesota Statute 125A.56 requires the district to implement and document at least two “instructional strategies, alternatives, or interventions” in the regular classroom prior to referring a student for a special education evaluation. This stage is called the pre-referral process. A student who may be struggling in the regular school setting is not necessarily in need of special education services. The student’s needs may be met by changing instructional strategies or through other interventions in the classroom.

The duration of the pre-referral interventions is based on the individual student. The interventions must be of sufficient duration to allow the student to succeed from the

new instructional strategies and interventions. However, the pre-referral process must not be used to unduly delay a special education evaluation if it becomes apparent the interventions are not successful.

Is it possible for a student to have a disability and not be in need of special education services? Yes. A student who uses a wheelchair, but does not require any specialized instruction or services, in order to benefit from the education program, would be an example. The school district may need to make some adjustments and/or modifications to enable the student to maneuver within the school environment, but this would fall under Section 504 of the Rehabilitation Act of 1973 and not under the auspices of special education.

What must be done during a special education evaluation? The law requires certain things be done during a special education evaluation. Those requirements are:

- Individualized testing.
- Evaluation in the native language or mode of communication, unless clearly not feasible to do so.
- Nondiscriminatory evaluation (on a racial or cultural basis).
- Any standardized tests to be validated for the specific purpose for which they are used.
- Tests administered by trained and knowledgeable personnel.
- Tests administered in accordance with any instructions provided by the producer of such tests.
- A variety of assessment tools and strategies, including information from parents.
- Use of technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- Any single procedure must not be used as the sole criterion for determining whether a student is a “student with a disability” or for determining an appropriate educational program for the student.

When must the evaluation be completed? The district must complete an evaluation for students suspected of having a disability and are under the age of 3 within 45 calendar days. Evaluations for students who are 3 years of age and older must be completed within 30 school days.

When is a student reevaluated for special education? A reevaluation is completed every three years to determine if the student continues to be a student with a disability. Students **must have met initial eligibility criteria** for the primary area of disability initially, or the criteria for a proper override were met. If the student met criteria on the initial evaluation, the reevaluation must address all of the components of the eligibility criteria in the primary area of disability to determine if the student is still disabled and demonstrates continued need for service.

Who is on the IEP Team? A group of individuals responsible for developing, reviewing, or revising an IEP for a child with a disability, including a minimum of the first 4 listed below.

1. Parent(s);
2. Regular Education Teacher (no less than one if the child is, or may be participating in the regular education environment);
3. Special Education Teacher;
4. Representative of the School District;
5. An individual who can interpret the instructional implications of evaluation results;
6. Any individuals at the parents or district's discretion who have knowledge or special expertise regarding the student;
7. Student.

What is extended school year? Extended school year (ESY) does not mean traditional summer school programs made available to all students. It means special education and related services for students who demonstrate a need for continued service beyond the instructional year as a necessary component of FAPE.

While ESY services would undoubtedly benefit most children with or without disabilities, the criteria for eligibility is not met simply because it would derive benefit. ESY is **not** mandated for all children with disabilities; it is not child care; nor is it intended to maximize educational benefits.

As a result of Minnesota law, Thief River Falls Public Schools sets forth the following guidelines and procedures.

Development and Content of the Individual Education Program Plan

Consider an extended school year program when it is determined:

1. the student will experience regression in the absence of an educational program;
2. the time required to relearn skills lost is excessive (recoupment); and
3. the effects of the breaks in educational programming are such to prevent the student from attaining the state of self-sufficiency that the student would otherwise reasonably be expected to reach.
4. ESY service is a necessary component to insure FAPE.

The amount of service, including a reduction of services or type of service for summer, must be appropriate to **maintain** performance on IEP goals.

The following terms have been identified for definition to gain full understanding of the guidelines and procedures related to ESY services.

Extended School Year	Special education services that are continued beyond the traditional school year.
Regression	A significant decline in the performance of a skill or acquired knowledge specified in the annual goals as stated in the IEP that occurs because of an extended break in educational programming.
Recoupment	The ability of a student to regain skills or acquired knowledge to approximately the same level of performance just prior to a break in instruction.
Self-Sufficiency	Students attain self-sufficiency through the maintenance of functional skills addressed on IEP.
Critical Goals	The goal (s) selected by the IEP team that represent areas of learning critical to the child in attaining an appropriate education.
General Outcome Measurement	Measurement of the student's performance on long-term goals.
FAPE	Free Appropriate Public Education - as measured by "Rowley Standard." Was benefit conferred?

Who should parents contact if they have concerns about their child's special education program in the Thief River Falls School District? If your concerns are specifically related to the implementation of your child's IEP, you should discuss them with your child's case manager. Although the Director of Special Education cannot overrule an IEP Team's decisions, you may wish to contact him/her for issues of clarification or mediation if you cannot resolve the problem within the IEP team. The District's Parent Advisory Committee (PAC) would be an appropriate contact for concerns that seem to be systemic or broad based. The PAC would also be interested in recommendations that they could support in improving the overall quality of the special education program in the school district. You can reach the special education director by calling 218-681-8711 ext. 223.

Are there parent advocacy organizations that can provide support and/or advise to parents? Yes, there are many organizations that are supportive to parents of children with disabilities. These organizations are listed below.

Parent Advocacy Organizations

ARC Minnesota (advocacy for persons with developmental disabilities):
651-523-0823, 1-800-582-5256

Children Home Society (CHS) and Family Service Inc:
651-255-2448, 1-800-982-2303

MN Association for Children's Mental Health:
651-644-7333, 1-800-528-4511

MN Brain Injury Association:
612-378-2742, 1-800-444-6443

MN Disability Law Center:
612-332-1441, 1-800-292-4150, 612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights):
952-838-9000, 1-800-53-PACER, 952-838-0190 (TTY)

You may also contact the Minnesota Department of Education:
651-582-8689, 651-582-8201 (TTY)

1. SLD: SLD stands for Specific Learning Disability. According to the 1977 Federal Register 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, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations." In Minnesota, students must meet 3 criteria: severe underachievement, severe discrepancy, and information processing.

2. Developmental Cognitive Disability (DCD): This was formerly mental impairments (MMI/MMMI), and was also known as Mental Retardation. Students who display significantly below-average intellectual functioning and adaptive skills in everyday life (such as communication, self-care, home-living, social skills community use, self-direction, health and safety, functional academics, leisure and work) are diagnosed with Developmental Cognitive Disabilities. Both of these traits have to exist for diagnosis to be made. The level of support that students need to be successful in the adaptive skills is part of the Minnesota eligibility criteria. Many cognitively impaired students can learn a great deal and grow to lead at least partially independent lives. The disability category of DCD still distinguishes the severity of the cognitive disability: Mild/Moderate or Moderate Severe.

3. E/BD: E stands for emotional and BD stands for Behavior Disorder. It is defined as a repetitive or persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated. It includes aggressiveness toward people and/or animals, destruction of property, deceitfulness or theft and/or serious violation of rules. It is defined as a condition exhibiting one or more of the following characteristics over a long period and to a marked degree, which adversely affects educational performance:--An inability to learn which cannot be explained by intellectual, sensory or health factors.--An inability to build and maintain satisfactory relationships with peers or teachers.- Inappropriate types of behavior or feelings under normal circumstances.- A general pervasive mood of unhappiness or depression. - A tendency to develop symptoms or fears associated with personal or school problems. In Minnesota, the category is combined to reflect Emotional/Behavior Disorders, EBD.

4. TBI: TBI stands for Traumatic Brain Injury. This is a disability that occurs due to environmental causes rather than genetic factors. Depending on the type of injury, TBI can affect the sensory/motor skills and/or mental capacities.

5. Autism: Students with Autism demonstrate developmental disability that significantly affects verbal and nonverbal communication and social interactions generally evident before age 3, that adversely affects a student's educational performance. Other characteristics include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

6. VI: VI stands for Vision Impairments. Vision impairments can be poor vision, blindness, and/or an inherited or degenerative eye condition.

7. D/HOH: D/HOH stands for Deaf and Hard of Hearing conditions. The students can have significant hearing loss or complete loss of hearing called deafness.

8. Developmental Delay, formerly Early Childhood Special Education (ECSE) refers to children birth to age 6 years 11 months who have delays in two or more developmental areas.

9. OHD: OHD stands for Other Health Disability (formerly Other Health Impaired, OHI). Students who have health conditions that impact their academic progress due to limited strength, endurance, alertness, or intrusive health procedures (chemotherapy). Students with ADD/ADHD must meet eligibility criteria for Special Education in this category.

* ADD/ADHD: ADD stands for Attention Deficit Disorder without hyperactivity, ADHD stands for Attention Deficit Hyperactivity Disorder. These are disorders that can only be diagnosed by a medical doctor. With or without hyperactivity, the disorder is considered a dysfunction related to learning disabilities because it is the position that attention deficits interfere with the learning process. Students with ADD/ADHD who have an impact on educational progress must meet eligibility criteria under the disability category of Other Health Disability. Minnesota has added the DSM-IV (Diagnostic Statistical Manual IV) components as part of the eligibility criteria.

10. S/L: S/L stands for Speech or Language Impairments. Students who qualify for special education services in this category have a fluency disorder, voice disorder, articulation disorder, or a language disorder.

11. Deaf/Blind. Students who qualify for this disability meet special education criteria for blindness and deafness.

12. DAPE: DAPE stands for Developmental Adapted Physical Education. Students who receive DAPE services have a disability and have motor, developmental, or achievement delays.

13. PI: PI stands for Physically Impaired. Students with this disability have a medically diagnosed physical impairment (cerebral palsy, for example) and have documented observations of impairments in independent work skills, organizational skills, motor skills, or achievement.

14. SMI: SMI stands for Severely Multiply Impaired. Students who have this disability meet special education criteria in two or more disability areas: D/HOH, PI, VI, EBD, and/or Autism.