

THIEF RIVER FALLS SCHOOL DISTRICT #564 TOTAL SPECIAL EDUCATION SYSTEM PLAN (TSES)

This document serves as the Total Special Education System Plan for the Thief River Falls 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, sections 1400 et seq., 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).

Cassey Farrell, District 564's Learner Support Services Director, is responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration. She may be reached at 218-681-8711 x 5223.

I. Child Study Procedures

The district's identification system is developed according to the requirement of nondiscrimination as District 564 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

District 564 has developed systems designed to identify pupils with disabilities beginning at birth, pupils with disabilities attending public and nonpublic schools, 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 District 564 to children from birth through two years of age who meet the outlined criteria.

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

- I. A. the child meets the criteria of one of the disability categories in United States Code, title 20, chapter 33, sections 1400, et. seq., as defined in Minnesota Rules; or the child meets one of the criteria for developmental delay in subitem (1) or the criteria in subitem (2);
 - (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:
 - cognitive development;
 - (a) physical development, including vision and hearing;
 - (b) communication development;

- (c) social or emotional development; and
- (d) adaptive development.

The team shall determine that a child from the age of three years through the age of six 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, sections 1400 et seq., as defined in Minnesota Rules; or
- B. the child meets one of the criteria for developmental delay in subitem (1) and the criteria in subitem (2). District 564 *has* elected the option of implementing these criteria for developmental delay.

A. 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.*

B. 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.*

District 564's plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. The district implements its interventions consistent with that plan and utilizes a severe discrepancy model (A, B, and C) in identifying a child with a specific learning disability.

B. Evaluation

The evaluation used to determine whether a child is eligible for infant and toddler intervention services must be conducted within the timelines established in Code of Federal Regulations, title 34, part 303. It must be based on informed clinical opinion; and must be multidisciplinary in nature, involving two or more disciplines or professions; and must be conducted by personnel trained to utilize appropriate methods and procedures. The evaluation must include:

- A. A review of the child's current records related to health status and medical history;
- B. an evaluation of the child's levels of cognitive, physical, communication, social or emotional, and adaptive developmental functioning;

- C. an assessment of the unique needs of the child in terms of each of the developmental areas in item B; and
- D. at least one documented, systematic observation in the child's daily routine setting by an appropriate professional or, if observation in the child's daily setting is not possible, the alternative setting must be justified.

The team shall conduct 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.

District 564 conducts full and individual initial evaluation before the initial provision of special education and related services to a pupil. The initial evaluation shall consist 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 shall obtain an informed consent from the parent of the child before the evaluation is conducted. Parental consent for evaluation shall not be 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.

Evaluations and reevaluations shall be conducted according to the following procedures:

- A. District 564 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, District 564 shall:
 - (1) use 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) 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) use technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- C. District 564 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 shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, subitem (2).
- C. The district shall obtain 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. The district shall evaluate a pupil in accordance with this part before determining that the pupil is no longer a pupil with a disability.

When restrictive procedures are used twice in 30 days or when a pattern emerges and restrictive procedures are not included in a child's individualized education program or behavior intervention plan, the district must hold a meeting of the individualized education program team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. At the meeting, the team must review any known medical or psychological limitations that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.

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 shall:
 - (1) draw 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) ensure 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 must be developed for the pupil according to part 3525.2810.

Evaluation report

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

- 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

District 564's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as **Appendix A**.

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

District 564 provides a full range of educational service alternatives. All students with disabilities are provided with special instruction and services which are appropriate to their needs. The following is representative of District 564's method of providing the special education services for the identified pupils, sites available at which service may occur, and instruction and related services 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 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:

- (1) One on one services
- (2) Small group instruction
- (3) Push in model with special education teacher in the classroom.
- (4) Direct instruction
- (5) In-direct instruction
- (6) One to one service via an online virtual classroom
- (7) Direct services via an online virtual classroom, phone call, text message, email, or Google message, where back and forth communication occurs

- (8) Indirect services
- (9) small group instruction in an online virtual classroom

B. Alternative sites available at which services may occur:

- (1) Area Learning Center – 230 LaBree Ave South, Thief River Falls
- (2) Early Childhood Family Education – Challenger Elementary School, 601 County Rd. 61, Thief River Falls
- (3) Early Childhood Special Education Classes – Challenger Elementary School, 601 County Rd. 61, Thief River Falls
- (4) Pathfinder Children's Center – 923 Atlantic Ave. N, Thief River Falls
- (5) St. Bernard s Catholic School – 117 Knight Ave. N, Thief River Falls
- (6) St. John s Lutheran School – 15671 158th St. NE, Thief River Falls
- (7) Discovery Place Child Care Center – 305 Nora St. E, Thief River Falls
- (8) Home visits
- (9) NW Online Learning Academy - virtual

C. Available instruction and related services:

- (1) Early Identification and Assessment of Disabilities in Children
- (2) Interpreting Services
- (3) Occupational Therapy
- (4) Orientation and Mobility Services are Contracted per Identified Need in IEP
- (5) Physical Therapy
- (6) Developmental Adaptive Physical Education
- (7) School Health Services and School Nurse Services
- (8) Speech-Language Pathology Services
- (9) Blind/Visually Impaired Service
- (10) State Services for the Blind
- (11) Transportation

III. Administration and Management Plan.

District 564 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:

Staff Name and Title	Contact Information (phone/email/ mailing address/office location)	Brief Description of Staff Responsibilities relating to child study procedures and method of providing special education services
Cassey Farrell, Learner Support Services Director	District Service Center 230 LaBree Ave S Thief River Falls, MN 56701 218-681-8711 ext. 5223 cassey.farrell@myprowler.org	Supervisor Continuous Improvement and Monitoring Process (CIMP) Team

Melissa Kautzman, Early Childhood Special Education (ECSE) Teacher	Challenger Elementary School 601 County Road 61 218-681-2345 melissa.kautzman@myprowler.org	Student Referral Team (ECSE) (CIMP) Team Restrictive Procedures Oversight Committee
Amy Looker, Special Education Teacher	Lincoln High School 101 Knight Ave S 218-681-7432 amy.looker@myprowler.org	Student Referral Team (CES,FMS,LHS) CIMP Team Restrictive Procedures Oversight Committee
Twyla Race, Special Education Teacher	Franklin Middle School 300 Spruce Ave S 218-681-8813 twyla.race@myprowler.org	Student Referral Team (FMS) CIMP Team ASD Consultant Restrictive Procedures Oversight Committee
Karen Bakken, Special Education Teacher	Lincoln High School 101 Knight Ave S 218-681-7432 karen.bakken@myprowler.org	Student Referral Team (LHS) Team CIMP Team Restrictive Procedures Oversight Committee
Lori Warne, School Psychologist	Challenger Elementary School 601 County Road 61 218-681-2345 lori.warne@myprowler.org	Student Referral Team (CES,FMS,LHS) CIMP Team ASD Consultant Restrictive Procedures Oversight Committee
Jennifer Olson, Speech Language Pathologist	Challenger Elementary School 601 County Road 61 218-681-2345 jennifer.olson@myprowler.org	Student Referral Team (CES) Student Assistance Team (CES) CIMP Team Restrictive Procedures Oversight Committee

Mike Wienen, Assistant Principal	Challenger Elementary School 601 County Road 61 218-681-2345 mike.wienen@myprowler.org	Student Referral Team (CES/ECSE) CIMP Team Restrictive Procedures Oversight Committee
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Additional Information:

- B. Due Process Assurances available to parents: District 564 has appropriate and proper due process procedures in place to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils, including alternative dispute resolution and due process hearings. A description of these processes are as follows:
- (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) District 564 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 without the prior written consent of the child's parent. A district may not override the written refusal of a parent to consent to an initial evaluation or reevaluation.
 - (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. District 564 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, District 564 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 District 564's Procedure Safeguard Notice, attached as **Appendix B**.

IV. Operating Procedures of Interagency Committees

A. Community Transition Interagency Committee:

- (1) District 564's Community Transition Interagency Committee is currently an established informal committee that meets throughout the school year. In addition, once a student reaches age 14, the special education case managers are in contact with local agencies to provide transition services for students.
- (2) *District 564's* Community contacts consist of the following agencies and their representatives:
 - a) District 564 Special Education Teachers and Special Education Director
 - b) District 564 Regular Education Vocational Teachers
 - c) Falls DAC
 - d) Occupational Developmental Center
 - e) Vocational Rehabilitation Services
 - f) County Social Services
 - g) County Nursing Services
 - h) Inter-County Community Council
- (3) The co-chairs of the Community Transition Interagency Committee are Denise Yonke and Nate Hruby
- (4) The Community Transition Interagency Committee meets 3 times during the school year (fall, winter, and spring).
- (5) The Community Transition Interagency Committee's operating procedures include the following:
 - a) identification of current services, programs, and funding sources provided within the community for secondary and postsecondary aged youth with disabilities and their families;
 - b) facilitation of the development of multi-agency teams to address present and future transition needs of individual students on their individualized education programs;
 - c) development of a community plan to include mission, goals, and objectives, and an implementation plan to assure that transition needs of individuals with disabilities are met;
 - d) recommendations of changes or improvements in the community system of transition services;
 - e) exchange of agency information such as appropriate data, effectiveness studies, special projects, exemplary programs, and creative funding of programs; and
 - f) preparation of a yearly summary assessing the progress of transition services in the community including follow-up of individuals with disabilities who were provided transition services to determine post-school outcomes.

B. Interagency Early Intervention Committee

- A. District 564's Interagency Early Intervention Committee is established in cooperation with other

districts/special education cooperatives in cooperation with the health and human service agencies located in the county or counties in which the district or cooperative is located, for children with disabilities under age five and their families. The District is a part of the Region 1 Help Me Grow Interagency Early Intervention Committee (IEIC). Operating Procedures are attached in Appendix C.

B. The Early Intervention Committee (IEIC) will develop and implement interagency procedures concerning the following ongoing duties:

- (1) development of public awareness systems designed to inform potential recipient families of available programs and services;
- (2) implementation of interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of disabilities and their families;
- (3) establishment and evaluation of the identification, referral, child and family assessment systems, procedural safeguard process, and community learning systems to recommend, where necessary, alterations and improvements;
- (4) assurances of the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individualized education programs and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies;
- (5) implementation of a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;
- (6) facilitation of the development of a transitional plan if a service provider is not recommended to continue to provide services;
- (7) identification of the current services and funding being provided within the community for children with disabilities under age five and their families;
- (8) development of a plan for the allocation and expenditure of additional state and federal early intervention funds under Minnesota law; and
- (9) development of a policy that is consistent with Minnesota and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public.

C. The Early Intervention Committee participates in needs assessment and program-planning activities conducted by local social service, health and education agencies for young children with disabilities and their families.

D. The Early Intervention Committee reviews and comments on the early intervention service of this Total Special Education System Plan for District 564, the county social service plan, the section(s) of the community health services plan that addresses needs of and service activities targeted to children with special health care needs, the section on children with special needs in the county child care fund plan, sections in Head Start plans on coordinated planning and services for children with special needs, any relevant portions of early childhood education plans, such as

early childhood family education or school readiness, or other applicable coordinated school and community plans for early childhood programs and services, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities.

V. Interagency Agreements the District has Entered.

District 564 has entered in the following interagency agreements or joint powers board agreements for eligible children, ages 3 to 22, to establish agency responsibility that assures that coordinated interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources:

School Readiness, Early Childhood Family Education & Early Childhood Special Education AND Inter County Community Council Head Start

A copy of the agreement is included in **Appendix D**.

VI. Special Education Advisory Council.

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, District 564 is in the process of developing a special education advisory council.

A. District 564's Special Education Advisory Council will be individually established. B. District 564's

Special Education Advisory Council will not be a subgroup of any existing committee. C. District

564's Special Education Advisory Council will consist of the following individuals: To be updated

District 564 s Special Education Advisory Council will be updated each fall, and meet twice a year.

The operational procedures of District 564 s Special Education Advisory Council are attached as **Appendix E**.

VII. Assurances

Code of Federal Regulations, section 300.201: Consistency with State policies. District 564, 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: Assurance given.

APPENDIX A

REFERRAL PROCESSES

Referral process for students between birth to pre-kindergarten:

Referral is the formal, ongoing process for reviewing information related to children who show signs of needing special education services. The referral process includes reviewing screening information and deciding whether or not to conduct an evaluation. A referral may be made by anyone who has a concern.

The individual taking the referral:

- A. Will gather as much information as possible from the referral source.
- B. Arranges for a home visit to be conducted. This home visit may be conducted by an ECSE teacher, a speech clinician, an occupational therapist, a physical therapist, or a combination of personnel depending upon the known priorities of the child and family.

Reminder: Once the District receives a referral and has determined the need for an evaluation, the team will complete the evaluation activities and hold an Individual Family Service Plan (IFSP) meeting within 45 calendar days. The 45-day timeline begins when a phone call of referral is made to the public agency. Evaluations for children over age three must be completed within 30 school days.

Activities for Initial Home Visit:

- A. Complete the appropriate due process forms needed for a referral. Give a copy of each form to the parent along with the **Notice of Procedural Safeguards**.
- B. Conduct a developmental screening unless the child was referred from a screening activity such as Early Childhood Screening or a Head Start screening.
- C. Carefully observe the child in order to complete the observation.
- D. Summarize the results of the screening and discuss next steps with parent(s)/guardian(s):

If the results of the screening and observation, combined with the information gathered from the parent(s), indicate no concerns, suggest local resources available to the family. Always leave a contact name and phone number.

OR

If the results of the screening and observation, combined with the information gathered from the parent(s), indicate no concerns at this time but suggest that it would be wise to track the child's development, arrange a tracking plan appropriate to the age of the child and utilizing interagency resources.

OR

If an educational evaluation is indicated, explain the next steps to the parent(s). Offer an opportunity for questions and, if possible, schedule a visit to plan the evaluation.

- E. Identify an interagency service facilitator/coordinator.

Service Coordination

Once the District receives a referral, a service coordinator is appointed to carry out coordination activities on an interagency basis. Service coordination must promote a family's capacity and competency to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the family's needs.

Service coordination activities include:

1. coordinating the performance of evaluations and assessments;
2. facilitating and participating in the development, review, and evaluation of individualized family service plans;
3. assisting families in identifying available service providers;
4. coordinating and monitoring the delivery of available services;
5. informing families of the availability of advocacy services;
6. coordinating with medical, health, and other service providers;
7. facilitating the development of a transition plan at least 90 days before the time the child is no longer eligible for early intervention services, if appropriate;
8. managing the early intervention record and submitting additional information to the local primary agency at the time of periodic review and annual evaluations; and
9. notifying a local primary agency when disputes between agencies impact service delivery required by an IFSP

The District uses the following referral process for students between the ages of 5 and 22:

1. A concern is identified by a parent or teacher;

School districts are under an obligation to respond to either a verbal or written request for evaluation. The U.S. Office of Special Education and Rehabilitative Services (OSERS) clarifies this point:

A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within a 30 school day time period after the parent gives consent. A guide to the Individualized Education Program, Office of Special Education and Rehabilitative Services, U.S. Department of Education. p. 2 (July 2000).

2. Information is gathered on the student using referral forms appropriate for each grade level, and
3. At least two pre-referral interventions are conducted and results are documented.

*There are situations when a student's special education evaluation team may waive the pre-referral intervention requirements. This may include a student who enters the district with a documented history of blindness, deafness, cognitive delay, paraplegia, autism, traumatic brain injury, or a student whose disability is well documented or has had an IEP in the last 12 months.

4. If concerns persist and performance is discrepant from classmates/norms, the teacher submits pre-referral information and interventions to the Student Assistance Team (SAT) to initiate special education referral.
5. The SAT reviews pre-referral information and interventions and may contact parent, teacher(s) or others for additional information.
6. A multidisciplinary team will discuss the referral. If the team determines the referral is appropriate, an evaluation plan will be written. The team will also complete a **Parent Consent/Objection Form** and **Prior Written Notice**. Documents will be sent to parents for review and written approval.
7. If it is determined that an evaluation is not appropriate, the multidisciplinary team will discuss options for action. A Parent Consent/Objection Form and Prior Written Notice will be provided to parents.

The team should consist of the following personnel whenever feasible:

- A. licensed special education staff;
- B. a person knowledgeable in evaluation for the specific disability;
- C. parent*; and
- D. the referring person (when appropriate)

** Parents must be provided with the opportunity to participate in the decision-making when their child is being considered for special education evaluation. The parent must be notified of the intent to develop an evaluation plan. It is recommended that the parent and classroom teacher discuss concerns regarding the student prior to the referral which should be made to the building SAT to implement and review the interventions already attempted, determine the need for evaluation, and assign a case manager. The district staff assigned will provide the parent with an opportunity to have any questions or concerns answered about the evaluation process and the instruments used.*

*If the parent wishes to be a part of the planning process but is unable to attend the meeting, the case manager should seek input and provide the parent with an opportunity to have questions answered. Attempts to include the parent in the meeting and/or opportunities for participation should be documented on the student's Parent **Contact Documentation**.*

Thief River Falls Public Schools 230 LaBree Avenue South Thief River Falls, MN 56701	Special Education Evaluation Parent Request

Student Name: _____ Grade: _____ Date of Birth: _____

General Education Teacher(s) : _____

School: _____

Parent(s) _____ Address _____

City: _____ Phone: _____

Form Completed by: _____ Date: _____

----- *Please check one box:*

☐ **I would like interventions to be implemented in the regular education classroom prior to a special education referral.**

OR

☐ **I would like to have my child evaluated for special education.**

Please complete the form below. The information will assist us in determining interventions and/or evaluation measurements to choose in order to help your child. Please return to your child's classroom teacher.

STUDENT LIVES WITH ☐ BOTH PARENTS ☐ MOTHER ☐ FATHER ☐ FOSTER PARENT ☐ RELATIVE ☐ PEERS/ON OWN	PERSON LIVING IN THE STUDENT'S HOME
	Name Relationship to child Age
	FAMILY MEMBERS NOT PRESENT IN THE HOME
	Name Relationship to child Age

What language does the child speak at home? _____

What language is the primary language of the primary caregiver? _____

If applicable, how many hours of the day is s/he hearing and using both the native language and English? _____

1. What are your child's strengths and interests?

- ☐ Positive Attitude ☐ Video Games ☐ Fine Art Skills
☐ Motivated ☐ Crafts/Designing ☐ Cooperative
☐ Stick-to-it-ness ☐ Hunting/fishing ☐ Animals and Nature
☐ Seeks information ☐ Building/Construction ☐ Biking/Skateboard
☐ Future Oriented ☐ Music and/or Dance ☐ Other special interests. Please list below: ☐ Athletic Skills
☐ Writing and/or Reading
☐ Social Skills ☐ Science and/or Math
☐ Leader ☐ Cars/Bikes/Engines
☐ Verbal Skills ☐ Collecting _____
☐ Engages adults ☐ Computers/Electronics

2. Were there any unusual complications during the pregnancy or birth of this child?

- ☐ Yes ☐ No If yes, please explain:

3. Were the developmental stages such as walking, sitting, etc. for this child within normal ranges?

- ☐ Yes ☐ No If no, please explain:

4. Has the child experienced any of the following problems during the first 6 years of life?

Communication: Motor: Eating Patterns:

- ☐ Unclear speech ☐ Walking ☐ Underweight (eating too little) ☐ Responding to his/her name ☐
Riding bike ☐ Overweight (eating too much) ☐ Eye contact ☐ Skipping
☐ Doesn't smile when smiled at ☐ Throwing

Behavior/Emotions:

- ☐ Separating from parents ☐ Oppositional ☐ Pays attention for only a short time ☐ Colic ☐ Prefers to play alone
☐ Odd behavior ☐ Temper tantrums ☐ Uninterested in other children ☐ Unusual attachment to objects ☐
Hyperactive ☐ Easily distracted ☐ Excessive crying

Sleep Patterns: Other:

- ☐ Sleeping too much ☐ _____
☐ Sleeping too little

5. Does anyone in your family have a history of any of the following concerns? Please check all that apply.

- ☐ Learning ☐ Medical ☐ Physical ☐ Psychological

Please explain:

6. Have others expressed a concern regarding your child (relatives, day care, friends)?

☐ Yes ☐ No If yes, please explain:

7. Do you feel your child's school problem(s) is (are) the results of a cultural or other misunderstanding?

☐ Yes ☐ No If yes, please explain:

8. Have you tried anything to help your child at home such as reading aloud, sitting with your child at homework time, etc.? ☐ Yes ☐ No If yes, please explain:

9. Does your child have any medical, physical, or psychological conditions? Please check all that apply even if they are not currently present. For items checked, please provide an explanation. Indicate medication if applicable.

	Medication	Explanation
☐ Vision		
☐ Hearing		
☐ Attention Deficit Disorder		
☐ Head Injury		
☐ Asthma		
☐ Allergies		
☐ Diabetes		
☐ Mental Health Concerns		
☐ Cerebral Palsy		
☐ Seizures		
☐ Other		

10. Many learning problems in childhood are temporary and may be brought on by changes in the life of a child and his or her family. Indicate which of the following events have occurred in your family. Please check all that apply.

Event	Year	Describe
☐ Move to a new home		
☐ Change of school		
☐ Repetition of grade		
☐ Serious illness in family		
☐ Death in family		
☐ Divorce/separation of parents		
☐ Change in hours parent(s) are home		
☐ Loss of job		
☐ Parent began work out of home		
☐ Brother or sister left home		
☐ Marriage of brother or sister		
☐ New person joined the family		
☐ Neighborhood concerns		
☐ Chemical or alcohol use		
☐ Homelessness		
☐ <u>Foster home placement</u>		



Thief River Falls Public Schools
230 LaBree Avenue South
Thief River Falls, MN 56701

Special Education Teacher Referral Form

Teacher/Referring Person:		Date:
Student's Name:	School:	DOB:
Grade:	Parent/Guardian:	
Address:		Phone:

Race: If Native American, Indian Education Notified: ☐ Yes ☐ No

Student History Review – Check if “yes” and attach additional information or describe as needed.

- History of absenteeism? ☐ Yes ☐ No Describe:
- History of retention? ☐ Yes ☐ No Describe:
- History of behavioral concerns? ☐ Yes ☐ No Describe:
- Physical, health, or medical problems or concerns? ☐ Yes ☐ No Describe:
 - Vision Screening conducted in last 6 months? ☐ Yes ☐ No Describe date and results:
 - Hearing Screening conducted in last 6 months? ☐ Yes ☐ No Describe date and results:
- Environmental, diversity, or family factors affecting education? ☐ Yes ☐ No Describe:
- Outside agency evaluation? ☐ Yes ☐ No Describe: ____
- Previous special education assessments? ☐ Yes ☐ No Describe:
- Previous special education services? ☐ Yes ☐ No Describe:
- Previous Title I/Assurance of Mastery or other services? ☐ Yes ☐ No Describe as specifically as possible, listing previous interventions and/or accommodations if known (Reading Recovery, LLI, etc.):

Initial Parent/Guardian Contact

Date Parent/Guardian Contacted:	Person Making Contact:
Type of Contact: ☐ Phone Call ☐ Conference/Face-to-Face Visit	
Cultural Interview (ask the parent/guardian the following and record responses):	
All Languages Spoken in the Home: ____	Child's First Language of Exposure: ____
Please ask parent/guardian the following question: “As you think about your family's cultural or racial background, what would you like school staff to know about your child?” Parent/Guardian Response: ____	
If vision and hearing screenings have not been conducted within 6 months, inform parent/guardian that the screenings will be conducted. Parent was informed of vision/hearing screenings: ☐ Yes ☐ Not necessary; screening has been done within past 6 months (If necessary, inform school health professional that screenings need to be completed.)	

Attach any previous progress monitoring graphs or intervention records less than a year old, if available.

Academic Data Attach multi-year Viewpoint and Assessment data to SAT referral

Complete review and attach information to SAT referral

Assessment	Reading Proficiency	Math Proficiency	
NWEA			☐ Cumulative Record Review
MCA			☐ Class Work Samples
			☐ Anecdotal Teacher Records
			☐ Current Grades
Other			☐ Other Instructional Support Program Information:

Describe the student's strengths and positive qualities.

Describe area(s) of concern or problem behavior.

Note: *Pre-referral Intervention Requirements: Two interventions must be completed. For behavioral interventions, a behavioral skill or strategy should be taught, and the interventionist should have daily contact with the student. Documentation of parental notification must be provided.*

Intervention 1.

Choose and describe an intervention that addresses area/behavior of concern.

Dates: ____ to: ____

Baseline **Data** of the skill/problem behavior (including relevant assessment scores):

Which intervention are you using?

Intervention Plan (frequency, setting, progress monitoring procedures/tool):

Person Responsible:

Intervention 2.

Choose and describe an intervention that addresses area/behavior of concern.

Dates: ____ to: ____

Baseline **Data** of the skill/problem behavior (including relevant assessment scores):

Which intervention are you using?

Intervention Plan (frequency, setting, progress monitoring procedures/tool):

Person Responsible:

Parental Notification of Intervention – Complete after intervention(s) is/are planned.

Date Parent Contacted:

Type of Contact: ☐ Phone Call ☐ Letter/Note/Email ☐ Home Visit ☐ Conference/Face-to-Face Visit

Person Making Contact: Information/Comments from Parent:

Intervention Results - include measurable outcome data (assessments, etc.)

Measurable Outcome **Data** for Intervention #1:

Measurable Outcome **Data** for Intervention #2:

Narrative of Results (both interventions):

Decisions/Action

Date: ____

☐ Intervention was effective. No referral needed. Place all documentation in cumulative file.

☐ Intervention appears effective. Continue and review progress on ____ (date).

☐ Modify current intervention. Indicate modifications above and on AIMSweb or in interventionist's record-keeping system. Review on ____ (date).

☐ Try a different intervention.

☐ Refer student to a special education staff member. Place a copy of this intervention information in the student's cumulative folder. This referral.

Notes:

Student Academic & Behavioral Concerns Checklist

ACADEMIC CONCERNS

- ☐ Currently NO academic concerns
☐ Concerns Exist (check all that apply)

PERFORMANCE

- ☐ Drop in grades
☐ Low achievement
☐ Always behind in class
☐ Attention/Memory concerns
☐ Lack of motivation

READING/LANGUAGE ARTS

- ☐ Comprehension
☐ Fluency
☐ Word Attack/Decoding
☐ Vocabulary
☐ Spelling
☐ Punctuation/Grammar
☐ Written Communication
 (Attach writing sample)

MATHEMATICS

- ☐ Computation
☐ Numeracy
☐ Problem Solving
☐ Measurement/Time
☐ Pattern Analysis
☐ Spatial Relations
☐ Algebra

SPEECH/LANGUAGE

- ☐ Articulation
☐ Processing
☐ Language
☐ Auditory
☐ Voice
☐ Fluency

MOTOR SKILLS

- ☐ Fine Motor
☐ Gross Motor
☐ Sensory Needs

SERVICES CURRENTLY RECEIVED

- ☐ Speech/Language
☐ PT/OT
☐ 504 Plan
☐ Title I
☐ Other: _____

BEHAVIOR CONCERNS

- ☐ Currently NO behavior concerns (Skip this section)
☐ Concerns Exist (rate behaviors)
 0-Unobserved 1-Rarely 2-Sometimes 3-Often

PHYSICAL SIGNS

- ☐ Avoids eye contact 0 1 2 3
☐ Poor hygiene/grooming 0 1 2 3
☐ Drowsy/Tired 0 1 2 3
☐ Physical complaints/injuries 0 1 2 3

DISRUPTIVE BEHAVIOR

- ☐ Blaming others, denying 0 1 2 3
☐ Verbally and/or physically aggressive 0 1 2 3
☐ Cheating, lying 0 1 2 3
☐ Nervousness 0 1 2 3
☐ Constantly in wrong area 0 1 2 3
☐ Dramatic attention getting 0 1 2 3
☐ Fidgets with objects 0 1 2 3
☐ Does not attend to work 0 1 2 3
☐ Work refusal 0 1 2 3

AFFECT

- ☐ Lethargic, stares, expressionless 0 1 2 3
☐ Whines, cries, complains 0 1 2 3
☐ Inappropriate responses 0 1 2 3
☐ Defensive, irritable 0 1 2 3
☐ Lack of social contacts 0 1 2 3
☐ Unwilling to communicate 0 1 2 3
☐ Loses temper easily/anger outbursts 0 1 2 3

BEHAVIOR CONSEQUENCES IMPLEMENTED

- ☐ Behavior ignored 0 1 2 3
☐ Reprimand/Warning/Time Out 0 1 2 3
☐ Loss of privileges 0 1 2 3
☐ Natural consequences 0 1 2 3
☐ Office referral 0 1 2 3
☐ Suspension (In/out of school) 0 1 2 3
☐ Reduced assignments 0 1 2 3
☐ Communication with parents 0 1 2 3
☐ Negotiation/Behavior contract 0 1 2 3
☐ Token Economy 0 1 2 3
☐ Positive Reinforcement 0 1 2 3
☐ Skills training (problem solving/relaxation) 0 1 2 3

DISRUPTIVE BEHAVIOR

SETTING	TASK	TIME
☐ Classroom	☐ Large Group	☐ Arrival
☐ Hallways	☐ Small Group	☐ Dismissal
☐ Cafeteria	☐ Partner	☐ Morning
☐ Playground	☐ Difficult Task	☐ Afternoon
☐ Gym/Music/Library	☐ Uninteresting Task	☐ Lunch
☐ Restroom	☐ Task Transition	☐ Recess
☐ Bus	☐ Unstructured Activity	
☐ Home	☐ Interruption in routine	
☐ Community	☐ Other: _____	

POSSIBLE REASONS FOR BEHAVIOR

- ☐ Don't know
☐ Attention seeking
☐ Avoid task
☐ Gain acceptance
☐ Gain power/control
☐ Stimulation
☐ Lack of skill
☐ Lack of motivation
☐ Revenge
☐ Communication
☐ Fears Failure
☐ Attention problems

Special Education Cum File Review Form

The purpose of a cumulative file review is so we can gather data and see if there is consistent information. We want to know if the concerns are present for more than one year.

Please fill in all the blank spaces and attach appropriate documents. Thank you for your time and effort!

Student: _____

DOB: _____

MAARS # _____

Reviewed By: _____

Date: _____

Parents names: _____

Address: _____

Phone number(s): _____

Email Address: _____

Challenger Elementary Referrals - Start Here

Preschool Screening Data

Preschool: Ages and Stages Score: _____ Rescreen Score: _____

Early Screening Inventory Score: _____ Rescreen Score: _____

Please list any notable concerns (learning or behavior) from screening forms:

Kindergarten Data

Attendance: _____

Assessment Scores:

- Please Attach scores from Viewpoint OR
- Add Scores to the Student Progress Documentation from SAT GREEN FOLDER

Grades: Please attach a copy of Student Report Card

1st Grade:

Attendance: _____

Assessment Scores:

- Please Attach scores from Viewpoint OR
- Add Scores to the Student Progress Documentation from SAT GREEN FOLDER

Grades: Please attach a copy of Student Report Card

2nd Grade:

Attendance: _____

Assessment Scores:

- Please attach scores from Viewpoint OR
- Add scores to the Student Progress Documentation from SAT GREEN FOLDER

Grades: Please attach a copy of Student Report Card

Franklin Middle School Referrals - Start Here

3rd Grade:

Attendance: _____

Assessment Scores: Attach scores from Viewpoint

- Please Attach scores from Viewpoint OR
- Add Scores to the Student Progress Documentation from SAT GREEN FOLDER

Grades: Please attach a copy of Student Report Card

4th Grade:

Attendance: _____

Assessment Scores:

- Please Attach scores from Viewpoint OR
- Add Scores to the Student Progress Documentation from SAT GREEN FOLDER

Grades: Please attach a copy of Student Report Card

5th Grade:

Attendance: _____

Assessment Scores:

- Please Attach scores from Viewpoint OR
- Add Scores to the Student Progress Documentation from SAT GREEN FOLDER

Grades: Please attach a copy of Student Report Card

Overall Information (For all Referrals) - Please complete this section or complete PAGE 3 of the Student Progress Documentation in GREEN FOLDER

Current or Previous Services: Reading Recovery – Dates:

Title I Reading Services – Dates enrolled in services and Grade Levels:

ADSIS Reading – Dates enrolled in services and Grade Levels:

ADSIS Behavior – Dates enrolled in services and Grade Levels:

Sped Ed Evaluation – Grade Levels:

ESL – Grade Levels:

APPENDIX B

PROCEDURAL SAFEGUARDS – Part C & B

PART C

PROCEDURAL SAFEGUARDS NOTICE INFANT AND TODDLER INTERVENTION

The intent of this document is to offer general information about special education rights provided by state and federal law provided to parents of children from birth through age 2. It explains a selection of some of the rights provided to parents under the Individuals with Disability Education Act (IDEA) and Minnesota laws; however, it is not a complete explanation of those rights. This document does not constitute legal advice, nor is it a substitute for consulting with a licensed attorney regarding your specific legal situation.

INTRODUCTION

This brochure provides an overview of parental special education rights for infant and toddler intervention services, sometimes called procedural safeguards. This Notice of Procedural Safeguards must be given to you when your child is referred under Part C of the IDEA, including when you or the district request a due process hearing. The district must also make available an initial copy of your child's early intervention record, at no cost to you.

PRIOR WRITTEN NOTICE

The school district or a service provider must provide you with prior written notice within a reasonable timeframe before each time it proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, and education placement of your child or the provision of appropriate infant and toddler intervention services to your child and your child's family. This notice must be given to you before any changes are made and must include sufficient detail to inform you of:

1. The action that is being proposed or refused;
2. An explanation of why the district proposes or refuses to take the action; and
3. All procedural safeguards that are available under Part C of the IDEA, including a description of mediation, how to file a state complaint, and a due process complaint in the provisions, and any timelines under those procedures.

The notice must be written in a language understandable to the general public and provided in your native language unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, the public agency, or designated early intervention service provider, must take steps to ensure that the notice is translated orally or by other means to you in your native language or other mode of communication. The provider must also take steps to ensure that you understand the notice; and, that there is written evidence that these requirements have been met.

Native language, when used with respect to an individual who is limited English proficient, means the language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. For evaluations and assessments conducted for the child, native language means the

language normally used by the child, if this language is determined developmentally appropriate for the child by the qualified personnel conducting the evaluation or assessment. For an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, native language means the mode of communication that is normally used by the individual, such as sign language, braille, or oral communication.

FOR MORE INFORMATION

If you need help understanding any of your procedural rights or anything about your child's education, please contact your child's early childhood special education coordinator, the school district's special education director or the person listed below. This notice must be provided in your native language or other mode of communication you may be using.

If you have any questions or would like further information, please contact:

Name: Cassey Farrell

Title: Learner Support Services Director

Phone: 218-681-8711 ext. 5223

For further information, you may contact one of the following organizations:

ARC Minnesota (advocacy for persons with developmental disabilities)

www.thearcofminnesota.org

651-523-0823; 1-800-582-5256

Minnesota Association for Children's Mental Health

www.macmh.org

651-644-7333; 1800-528-4511

Minnesota Disability Law Center

www.mndlc.org

612-332-1441; 1-800-292-4150

612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights)

www.pacer.org

952-838-9000; 1-800-53-PACER

952-838-0190 (TTY)

Minnesota Department of Education

www.education.state.mn.us

651-582-8689

651-582-8201 (TTY)

PARENTAL CONSENT

Definition of Consent

As a parent, you have the right to give consent to any action proposed by the district. Consent means that you have been fully informed, in your native language, of all information relevant to the activity for which your written permission is sought and that you fully understand and agree in writing with carrying out the activity for which consent is sought. The written consent must describe the activity and list any early

intervention records that will be released and to whom. Consent is voluntary and may be revoked at any time. However if you revoke your consent, that revocation is not retroactive.

When the District Must Obtain Your Consent

There are several situations in which the district must obtain your written consent before acting. The district must obtain your written consent before the following:

1. Administering screening procedures that are used to determine whether your child is suspected of having a disability;
2. Conducting all Part C evaluations and assessments of your child;
3. Providing early intervention services to your child;
4. Using public benefits or private insurance to pay for your child's Part C early intervention services in certain situations; and
5. Disclosing personally identifiable information about you or your child.

As a parent, you also have the right to receive written notice of and to provide written consent to the exchange of information among agencies that is consistent with state and federal law.

Parent's Right to Decline Consent

If you do not provide consent, the district must make reasonable efforts to ensure that you are fully aware of the nature of the evaluation and assessment, or the early intervention services that would be available, and that you understand that your child will not be able to receive the evaluation and assessment or receive early intervention services unless you provide consent. The district may not use the due process hearing procedures in Part B or Part C of the IDEA to challenge your refusal to provide any consent that is required. Thus, if you refuse, in writing, to consent to the initial evaluation or reevaluation of your child the district may not override your written refusal.

Parental Right to Decline Services

You can decide whether or not to accept or decline any early intervention service. You can selectively accept or decline any early intervention service, including declining a service after first accepting it, without jeopardizing other early intervention services your child may receive.

Confidentiality and Personally Identifiable Information

Personally identifiable information is information that includes, but is not limited to, your child's name; your name (parent's name) or other family member's name; your address; your child's address; a personal identifier, such as your child's or your Social Security number; biometric record; another indirect identifier, such as the child's date of birth, place of birth, a mother's maiden name, or a list of personal characteristics; or other information that would make it possible to identify your child with reasonable certainty.

Districts, the Minnesota Department of Education (MDE), and any other early intervention service providers must protect the confidentiality of any personally identifiable data about you and your child, including information and records they collect, use and maintain, disclose and destroy. Generally, a district or other

participating agency may not disclose personally identifiable information, as defined in Part C of the IDEA, to any party except participating agencies (including the lead agency and early intervention service providers) that are part of the state's Part C system without parental consent unless authorized to do so under the IDEA or for any purpose other than meeting a requirement of that law. Please refer to the Federal Educational Rights and Privacy Act (FERPA) for additional information on consent requirements concerning data privacy under federal law.

Confidentiality provisions under Part C of the IDEA apply from the point in time when your child is referred for early intervention services until the district is no longer required to maintain or no longer maintains the child's information under applicable state or federal laws, whichever is later.

Notice to Parents about Confidentiality

The district must give you notice when your child is referred under Part C of the IDEA that fully informs you about the confidentiality requirements discussed above. This notice should include a description of your child about whom personally identifiable information is maintained, the types of information about your child requested, the method intended to be used in gathering information, including the sources from whom information is gathered, and how the information about your child will be used. This notice must also include a summary of the policies and procedures that the district and providing agencies must follow regarding storage of data about you and your child, disclosure of this data to third parties, and retention and destruction of personally identifiable information. Additionally, this notice must include a description of all of your rights and your child's rights regarding this information, including rights under the Part C confidentiality provisions. Lastly, this notice must include a description of the extent that the notice is provided in the native languages of the various population groups in the state.

INDIVIDUAL FAMILY SERVICE PLANS (IFSP)

If your child is under age three and has a disability, you and your child have a right to receive an IFSP. An IFSP is a written plan that is developed by a team to record your goals for your family and your child. An IFSP also lists the services that will best help you and your child reach those goals and describe when, where, and how services will be delivered. You and other family members work with the early intervention service coordinator and other providers (if appropriate) to create the IFSP. You may invite anyone you wish to the IFSP meetings, including an advocate. The IFSP is reviewed at least every six months, or more frequently if requested. You are involved in planning the time, date and place of these meetings to ensure your participation. You may request a meeting to review your child's IFSP at any time, even if one recently took place. A district must provide you with a copy of each of your child's evaluations, assessments, family assessments, and IFSPs as soon as possible after each IFSP meeting at no cost to you.

THE RIGHT TO RECEIVE SERVICES IN NATURAL ENVIRONMENTS

Early intervention services for infants and toddlers with disabilities are focused around your family's and your child's daily routines and are designed to be carried out within regular activities. These services are provided, to the maximum extent appropriate, in natural environments. This helps you and/or your child's Other caregivers learn strategies for teaching your child new skills that may be practiced throughout the day. When a service needs to be provided anywhere other than a natural environment, the IFSP team must provide written justification in the IFSP.

WRITTEN ANNUAL NOTICE RELATING TO THIRD-PARTY BILLING FOR IFSP (INDIVIDUAL FAMILY SERVICE PLAN) HEALTH-RELATED SERVICES

The school district must obtain your consent before your (or your child's) public benefits or insurance or private insurance information is used to pay for Part C services, if such consent is required.

The district must provide you annual written notice that:

1. Parental consent must be obtained under Part C of the IDEA before the state lead agency or Early Intervention Service Provider discloses personal information for billing purposes;
2. A statement of the no-cost protection provisions in Part C of the IDEA. If you do not provide consent, Part C services must still be made available to you and your child through the IFSP for which you have provided consent;
3. The district will bill medical assistance or Minnesota Care for the health-related services on your child's IFSP;
4. You have the right to receive a copy of education records the district shares with any third party when seeking reimbursement for health-related services on your child's IFSP; and
5. You have a right to withdraw your consent to disclose your child's education records to a third party at any time. If you withdraw consent, the district may no longer share your child's education records to bill a third party for IFSP health-related services. You can withdraw your consent at any time, and your child's IFSP services will not change or stop.

EDUCATION RECORDS

Your Access to Records

You have the right to inspect and review all Part C early intervention records about your child and your child's family that are collected, maintained or used under Part C of the IDEA, including records related to evaluations and assessments, screening, eligibility determinations, development and implementation of IFSPs, provision of early intervention services, individual complaints involving your child, or any part of your child's early intervention record. Upon request, the district must give you access to your child's early intervention records without unnecessary delay and before any meeting regarding an IFSP or any due process hearing. The district must respond to your request immediately, if possible, or within 10 days of the request (excluding weekends and legal holidays).

Your right to inspect and review early intervention records includes the right to:

1. A response from the participating district to reasonable requests for explanations or interpretations of your child's record;
2. Request that the participating district provide copies of your child's early intervention records to you if failure to provide these copies would effectively prevent you from exercising your right to inspect and review the records;
3. Have your representative inspect and review the early intervention records; and
4. Review your child's records as often as you wish, in accordance with state law. State law provides that if you have been shown private data and have been informed of its meaning, that data does not need to be disclosed to you for a period of six months unless a dispute or action is pending or new information is created or collected.

A district may presume that you have the authority to inspect and review records relating to your child unless the district has been provided documentation that you do not have the authority under applicable state laws governing such matters as custody, foster care, guardianship, separation, and divorce.

Under Minnesota state law, education records include most of the information about your child that is held by the school, including evaluations and assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with your child, and any other records about your child and family. However, information held solely by your child's teacher for his or her own instructional use may not be included in the education records.

Disclosure to Health Plan Company

The district may not disclose information contained in your child's IFSP, including diagnosis and treatment information, to a health plan company without your signed consent.

Records on More Than One Child

If any education record includes information on more than one child, you only have the right to inspect and review information relating to your child. You can seek consent to review and inspect education records that include information about children in addition to your own, but the parents of those children have a right to refuse your request for consent.

Record of Access by Others

The district must keep a record of each request for access and who obtains access to early intervention records collected, maintained, or used under Part C about you and your child. Access to these records by you and authorized representatives and employees of the district do not need to be recorded. This record of access must include the name of the individual to whom access was given, and the purpose for which the individual was authorized to use the early intervention records.

List of Types and Locations of Information

Upon your request, the district and MDE must provide you with a list of the types and locations of education records they collect, maintain or use.

Consent to Release Records

Generally, your consent is required before personally identifiable information is released to unauthorized individuals or agencies. The consent must be in writing and must specify the individuals or agencies authorized to receive the information; the nature of the information to be disclosed; the purpose for which the information may be used; and a reasonable expiration date for the authorization to release information. Upon request, the district must provide you with a copy of records it discloses.

Fees for Searching, Retrieving and Copying Records

The district may not charge a fee to search or retrieve records. However, if you request copies, the district may charge a reasonable fee for the copies, unless charging that fee would prevent you from exercising your right to inspect and review the education records because you cannot afford to pay it. A district must provide you with a copy of each of your child's evaluations, assessments, family assessments, and IFSPs as soon as possible after each IFSP meeting at no cost to you.

Amendment of Records at Parent s Request

If you believe that information in your child's early intervention records is inaccurate, misleading, incomplete, or in violation of your child's privacy or other rights or your rights as a parent, you may request that the district amend the record or remove the information.

The district must decide within a reasonable time whether it will amend the records. If the district decides not to amend the records, it must inform you of its refusal to amend the records and inform you that you have the right to a hearing to challenge the district's decision.

Opportunity for a Hearing

Upon your request, the district must provide you with the opportunity for a hearing to challenge information in your child's early intervention records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of you or your child. You may request a hearing under the procedures set out under Part C of the IDEA or you may request a hearing under Minnesota s due process hearing procedures.

If as a result of the hearing the district decides that the information is inaccurate, misleading or in violation of the privacy or other rights of you or your child, it must amend the information accordingly and inform you in writing.

If, as a result of that hearing, the district decides that the information in your child's early intervention record is not inaccurate, misleading, or otherwise in violation of the privacy rights or other rights of you or your child, it must inform you that you have the right to include a statement of your comments and disagreements alongside the challenged information in your child's early intervention education records. Any explanation placed alongside your child's early intervention education records must be kept by the district as part of your child's early intervention records as long as your child's records are maintained by the district. If your child's early intervention records or the contested portion of your child's records are disclosed by the district to any party, the explanation you submitted must also be disclosed to the party.

Transfer of Records

Minnesota Statutes require that a district, a charter school, or a nonpublic school transfer a student's educational records, including disciplinary records, from a school a student is transferring from to a school in which a student is enrolling within 10 business days of a request.

Destruction of Records

The district must inform you when personally identifiable information collected, maintained, or used by the district is no longer needed in order to provide early intervention services to your child. You have the right to request that education records about the provision of early intervention services to your child under Part C of the IDEA be destroyed upon your request. This information must be destroyed by the district upon receiving your request. However, the district may retain a permanent record of your child's name, date of birth, parent contact information (including address and phone number), names of service coordinators and early intervention service providers, and exit data (including year and age upon exit, and any programs your child entered upon exiting Part C).

Under federal law, destruction means the physical destruction of the record or the removal of personal identifiers from information ensuring that the information is no longer personally identifiable. Thus, your child's record does not need to be physically destroyed to comply with your request to destroy special education related records. Districts can appropriately comply with this requirement by removing

personally identifiable information from your child's records. The choice of destruction method is generally up to the school district.

Despite your request to destroy records, a district can keep certain records necessary to comply with the General Education Provision Act (GEPA), which requires that recipients of federal funds keep records related to the use of those funds. You may want to maintain certain special education records about your child for documentation purposes in the future, such as for applying for Supplemental Security Income (SSI) benefits.

The district shall not destroy any education records if there is an outstanding request to inspect or review the records.

CHILD'S RIGHT TO A SURROGATE PARENT

A child with a disability whose parent cannot be identified or located by the district using reasonable efforts, or who is a ward of the state, has the right to have a surrogate parent assigned to them.

The appropriate public agency must determine whether a child needs a surrogate parent and assign a surrogate to the child. In appointing a surrogate parent for a child, the public agency must consult with the agency that has been assigned to care for the child. The public agency must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

A surrogate parent may be selected in any way permitted under state law. The appropriate public agency must ensure that the person selected as a surrogate parent is not an employee of any state agency or early intervention service provider that provides services or care to the child or any family member of the child; has no personal or professional interest that conflicts with the interests of the child he or she represents; and has knowledge and skills necessary for adequate representation of the child. In the case of a child who is a ward of the state, the surrogate parent can be appointed by the judge overseeing the child's case, as long as the surrogate parent appointed satisfies the above-mentioned requirements. An individual who qualifies to be a surrogate parent is not an employee of the public agency solely because he or she is paid by the agency to serve as a surrogate parent.

A surrogate parent has the same rights as a parent for all purposes under the Part C regulations. Thus, a surrogate parent may represent a child in all matters related to the evaluation and assessment of the child, development, and implementation of the child's IFSP, including annual evaluations and periodic reviews, the ongoing provision of early intervention services, and any other rights available to the child under the Part C regulations.

ALTERNATIVE RESOLUTION OF DISPUTES

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 your child through conciliation, mediation, facilitated IFSP team meetings, or through other alternative processes. All alternative dispute resolution options are voluntary on your part and cannot be used to deny or delay your right to a due process hearing. All alternative dispute resolution processes are provided at no cost to you.

MEDIATION

Mediation is a free, voluntary process to help resolve disputes. The state bears the cost of the mediation process. You or your district may request mediation from MDE at 651-582-8222 or 1-866-466-7367. Mediation is conducted by a qualified and impartial mediator (a third party) trained in effective mediation techniques. The state maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators are selected by the state on a rotational and geographic basis.

Mediation may not be used to deny or delay your right to a due process hearing or any other rights under Part C of the IDEA. Both you and district staff must agree to try mediation before a mediator can be assigned. At any time during the mediation, you or the district may end the mediation. Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient for both you and the district. You and the district must complete the mediation process within 30 calendar days of the date MDE receives a written request for mediation, signed by both parties.

If you and the district reach an agreement to the dispute during the mediation process, the agreement must be set forth in writing. The agreement must also be signed by both you (the parent) and a representative of the district who has the authority to bind the district. Parties to the mediation will receive a copy of the agreement. Discussions held during the mediation process are confidential and cannot be used as evidence in any subsequent due process hearing or civil proceeding.

Resolution of a dispute through mediation, or other form of alternative dispute resolution, is not limited to formal disputes arising from your objection and is not limited to the period following a request for a due process hearing. You may request mediation at any time to resolve a dispute arising under Part C of the IDEA, including matters arising prior to the filing of a due process complaint, regardless of whether a special education complaint has been filed or a request for a due process hearing has been made.

The local primary agency may request mediation on behalf of the involved agencies when disputes arise between agencies regarding responsibilities to coordinate, provide, pay for, or facilitate payment for infant and toddler early intervention services. You or the district can request another mediation to resolve a dispute over implementing the mediation agreement.

An individual who serves as a mediator may not be an employee of the state, the district, or a provider that is involved in the provision of early intervention services or other services to your child under Part C of the IDEA. A mediator cannot have a personal or professional interest that conflicts with their objectivity. A mediator is not considered an employee of the state, the district, or a provider of early intervention services solely because he or she is paid by the agency to serve as a mediator.

For more information about mediation, please contact MDE's mediation coordinator at 651-582-8222.

FILING A WRITTEN COMPLAINT

You or the district may file a complaint with MDE. Complaints sent to MDE must:

1. Be in writing and be signed by the individual or organization filing the complaint;
2. Include a statement alleging violations of state or federal special education law or rule related to Part C of the IDEA;

3. State the facts upon which the allegation is based;
4. Include the signature and contact information for the complainant;
5. Include the name and residence of your child, the name of the early intervention service provider, a description of the nature of your child's problem, including facts related to the problem, and a proposed resolution of the problem to the extent known and available to you at the time the complaint is filed, if the alleged violation is related to your specific child; and
6. Allege a violation that occurred not more than **one year** prior to the date that the complaint is received.

The complaint must be sent to:

Minnesota Department Education
Division of Compliance and Monitoring
Due Process Supervisor
1500 West Highway 36
Roseville, MN 55113-4266
Phone: 651.582.8689
Fax: 651.582.8725

The party filing the complaint, either you or the district, must send a copy of the complaint to the district or early intervention service provider at the same time you or the district files with MDE.

MDE will complete its investigation and issue a written decision within 60 calendar days, unless exceptional circumstances require a longer time or if you and the district agree to extend the timeframe to engage in mediation. You (the parent) or the school district injured-in-fact by the decision may appeal the final complaint decision within 60 days of receiving notice of the final decision.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues of which one or more are part of that hearing, the part of the complaint that is being addressed in the due process hearing must be set aside until the conclusion of the hearing.

If an issue is raised in a complaint filed under Part C of the IDEA that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding and the complainant must be informed of this by MDE. Please see the section below for more information about due process hearings.

MODEL FORMS

MDE has developed model forms that can be used to file special education or due process complaints. These forms are not required, but are available as a resource to use when filing a complaint. These model forms are available on MDE's website at: www.education.state.mn.us > Select School Support > Special Education Programs > Compliance and Monitoring > Due Process Forms.

IMPARTIAL DUE PROCESS HEARING

For due process hearing procedures for children covered under Part C of the IDEA, Minnesota has chosen to adopt the Part B due process hearing procedures set out in the IDEA.

Requesting a Due Process Hearing

You, the district, or a provider of early intervention services may file a due process hearing request with MDE on any matter relating to the identification, evaluation, or placement of your child, or the provision of early intervention services to your child and your family under Part C of the IDEA. Specifically, a due process hearing can be requested regarding a proposal or refusal to initiate or change your child's evaluation, IFSP, educational placement, or to provide FAPE. The due process hearing request must be in writing and must allege a violation of the IDEA that occurred not more than **two years** before the date that you or the early intervention service provider knew, or should have known, about the alleged action that forms the basis of the due process complaint.

This two-year timeline does not apply if you were prevented from filing a due process complaint because the district or an early intervention service provider misrepresented that it had resolved the problem forming the basis of your due process complaint or the district or early intervention service provider failed to provide you with information that was required under the IDEA.

If you request it or if you or the district file a due process complaint, MDE must inform you of any free or low-cost legal and other relevant services available in your area.

An impartial hearing officer will be assigned to your case. MDE maintains a list of individuals who serve as impartial hearing officers. You may not raise issues in a due process hearing that were not raised in the written complaint.

Within 15 days of receiving notice of your due process complaint, and prior to the due process hearing, the school district must arrange for a resolution meeting with you and the relevant members of your child's IFSP Team who have knowledge of the facts alleged in the due process complaint. If the resolution meeting is not held within 15 days of receiving notice of your due process complaint, you may seek the intervention of a hearing officer to begin the due process hearing timeline.

This resolution meeting must include a representative of the district who has decision-making authority and may NOT include an attorney for the district unless an attorney accompanies you. You and the district determine the relevant members of the IFSP team to attend the resolution meeting. The purpose of this meeting is for you to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the school district has the opportunity to resolve the dispute that is the basis for the due process complaint.

The resolution meeting does not need to be held if you and the school district agree in writing to waive the meeting or agree to mediation. If you do not participate in the resolution meeting, your actions will delay the timelines for the resolution process and a due process hearing until the meeting is held.

Resolution Period

If the matter is not resolved within 30 days of receipt of your due process complaint, the hearing timelines begin and a due process hearing may occur. If the school district is unable to obtain your participation in the resolution meeting or mediation after reasonable efforts have been made, and the district has documented its efforts to obtain your participation, and the school district does not agree to waive the resolution meeting or to use mediation, the school district may, at the conclusion of the 30-day period, request that a hearing officer dismiss your due process complaint.

Hearing Timeline

The 30-day hearing timeline starts the day after one of the following events:

1. You and the district agree in writing to waive the resolution meeting;
2. After either mediation or the resolution meeting starts, but before the end of the 30-day period, you and the district both agree in writing that no agreement is possible; or
3. You and the district agree to continue the mediation at the end of the 30-day resolution period, but later, you or the district withdraws from the mediation process.

Settlement Agreement

If you and the district reach a resolution at the resolution meeting, you and the district must execute a legally binding agreement that is signed by both you and a representative of the district that has the authority to bind the district; the agreement is enforceable in any state or district court. You or the district may void such an agreement within three days of the agreement's execution.

Loss of Right to a Due Process Hearing

NOTE: Due to an interpretation of state law by the Eighth Circuit Court of Appeals, if your child changes school districts and you do not request a due process hearing before your child enrolls in a new district, you may lose the right to have a due process hearing about any special education issues that arose in the previous district. You do still have a right to request a due process hearing about special educational issues that may arise in the new district where your child is enrolled.

Procedures for Initiation of a Due Process Hearing

If you wish to have a hearing, you or your attorney must properly request a due process hearing in writing. All written requests for a due process hearing must include:

1. The name and address of your child;
2. The name of the early intervention service provider serving your child;
3. A description of the nature of the problem, including your view of the facts; and
4. A proposed resolution of the problem to the extent known and available to you at the time of your request for a due process hearing.

Upon receiving a written request for a hearing from you or the district, MDE must give you a copy of the procedural safeguard notice, which includes a description of your rights at a due process hearing. If you or the district request a hearing, the other party must be provided with a copy of the request and submit a copy of the request to MDE.

If you file a hearing request and you did not previously receive a prior written notice from the district about the subject matter of the hearing request, the district must send you a written explanation of why the district proposed or refused to take the action raised in the hearing request within 10 days of receiving the hearing request. This explanation must include a description of other options considered by the IFSP team; why those options were rejected; a description of each evaluation procedure; assessment, record, or report that

the district or early intervention service provider used as the basis for the proposed or refused action; and a description of the factors relevant to the district's proposal or refusal decision.

Upon receiving your hearing request, the district must also send you a written response that specifically addresses the issues you raised in the hearing request within 10 days of receiving the request.

The district or early intervention service provider can assert that your hearing request does not meet the requirements under state law. A hearing request is considered sufficient unless the party who received the request notifies the hearing officer and the other party in writing within 15 days of receiving the request that they believe the request does not meet statutory requirements. The hearing officer must determine whether the hearing request meets statutory requirements within five days of receiving the request and immediately notify the parties in writing of that determination.

MDE maintains a list of qualified hearing officers. Upon receipt of a written request for a hearing, MDE will appoint a hearing officer from that list to conduct the hearing. Below are a few of your rights at hearing. This is not a complete list of rights.

Both you and the district have the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for infants and toddlers with disabilities;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing, including evaluation data and recommendations based on that data that are intended to be used at the hearing; and
4. Receive a written or electronic, verbatim record of the hearing transcript and/or the findings of fact and decisions.

As the parent, you have the right to:

1. Decide whether or not to have your child be present at the due process hearing. Infants and toddlers do not need to be present at due process hearings, however, you, as the parent, can decide whether or not your infant or toddler will attend the due process hearing;
2. Open the hearing to the public; and
3. Receive a copy of the record or transcript of the hearing and the hearing officer's findings of fact, conclusions of law and decisions made at no cost.

Amending a Request for a Due Process Hearing

You or the district may amend your request for a due process hearing only if the other party consents in writing to the amendment and is given an opportunity to resolve the due process complaint through a resolution meeting or if the hearing officer grants permission. The hearing officer may only grant permission not later than five days before the due process hearing begins.

If you or the district files an amended request for a due process hearing, the timelines for the resolution meeting and the resolution period begin again with the filing of the amended request.

Disclosure of Additional Evidence before a Hearing and Prehearing Conference

A prehearing conference must be held within five business days of the date the commissioner appoints a hearing officer. The hearing officer must initiate the prehearing conference. This conference can be held in person, at a location within the district, or by telephone. The hearing officer must create a verbatim record of the prehearing conference, which is available to you or the district upon request. At the prehearing conference, the hearing officer must accomplish the following: identify the questions that must be answered to resolve the dispute and elimination claims and complaints that are without merit; set a scheduling order for the hearing and additional pre hearing activities; determine if the hearing can be disposed of without an evidentiary hearing and, if so; establish the management, control, and location of the hearing to ensure its fair, efficient, and effective disposition.

At least five business days before a hearing, you and the district must disclose to each other all evaluations of your child completed by that date and recommendations based on those evaluations that are intended to be used at the hearing. A hearing officer may refuse to allow you to introduce any undisclosed evaluations or recommendations at the hearing without consent of the other party.

The Hearing Decision

The hearing officer must reach a final decision in the due process hearing and give a copy of the decision to each party no later than 45 days after the 30-day period or within the adjusted time periods. The hearing officer is encouraged to accelerate the timeline to 30 days for a child under the age of three whose needs change rapidly and who requires quick resolution of a dispute. The hearing decision timeline may be extended if the hearing officer determines that good cause exists. The hearing officer must conduct oral arguments in a hearing at a time and place that is reasonably convenient to you and your child. The hearing officer's decision whether an infant or toddler was appropriately identified, evaluated, or placed, or whether the infant or toddler with a disability and the family were appropriately provided early intervention services under Part C of the IDEA, must be based on substantive grounds. The hearing decision is final unless you or the district files a civil action. A hearing officer does not have the authority to amend a decision except for clerical and mathematical errors.

Separate Request for Due Process Hearing

You have the right to file a separate due process complaint on an issue separate from a due process complaint already filed.

COMPLAINTS AND HEARINGS DATABASE

Final decisions on special education complaints and due process hearings are available to the public on the MDE website. MDE maintains a public database called the Complaints, Hearings and Letters Search Engine. Decisions available in the database are redacted and all personally identifiable information is removed. This database is available on the Compliance and Monitoring webpage on the MDE website at:

www.education.state.mn.us/MDE/SchSup/SpecEdComp/ComplMonitor/index.html.

CIVIL ACTION

When you or the district disagrees with the findings or decisions made by a hearing officer, either party may file a court action and appeal the decision. The action may be brought in federal district court or the state court of appeals. Different standards of review apply in each court. An appeal to the state court of appeals must be made within 60 calendar days of your receipt of the decision. An appeal to federal district court

must be made within 90 days of the date of the decision. If you file an appeal, an impartial review of the findings and decision appealed will be made.

PLACEMENT DURING A HEARING OR CIVIL ACTION

During a hearing or court action, unless you and the district agree otherwise, your child must continue to receive the appropriate early intervention services in the setting identified and that you consented to in the IFSP. If the complaint involves an application for initial services under Part C of the IDEA, your child must continue to receive those services that are not in dispute.

EXPEDITED DUE PROCESS HEARINGS

You or a school district may file a written request for an expedited due process hearing.

Expedited hearings must be held within 20 school days of the date the hearing request is filed. The hearing officer must issue a decision within 10 school days after the hearing. A resolution meeting must occur within seven days of receiving the hearing request, unless you and the school district agree in writing to either waive the resolution meeting or use the mediation process. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receiving the request.

PART B NOTICE OF PROCEDURAL SAFEGUARDS PARENTAL RIGHTS FOR PUBLIC SCHOOL SPECIAL EDUCATION STUDENTS

The material contained in this document is intended to provide general information and guidance regarding special education rights and procedural safeguards afforded to parents of children age 3 through 21 under state and federal law. This document explains a selection of some of the rights and procedural safeguards provided to parents under the Individuals with Disabilities Education Act (IDEA), the implementing regulations at 34 C.F.R Part 300, and applicable Minnesota laws and regulations; it is not a complete list or explanation of those rights. This notice is not a substitute for consulting with a licensed attorney regarding your specific legal situation. This document does not purport to include a complete rendition of applicable state and federal law, and the law may have changed since this document was issued.

INTRODUCTION

This document provides an overview of parental special education rights, sometimes called procedural safeguards. These same procedural safeguards are also available for students with disabilities who have reached the age of 18.

The District must provide you with this Notice of Procedural Safeguards at least one time per year. It must also be given to you:

1. The first time your child is referred for a special education evaluation or if you request an evaluation; 2. The first time you file a complaint with the Minnesota Department of Education (MDE) in a school year; 3. The first time you or the district requests a due process hearing in a school year;
4. On the date the district decides to change the placement of your student by removing the student from school for a violation of the district discipline policy; or
5. Upon your request.

PRIOR WRITTEN NOTICE

The district must provide you with prior written notice each time it proposes to initiate or change, or refuses to initiate or change:

- the identification of your child;
- the evaluation and educational placement of your child;
- the provision of a free appropriate public education (FAPE) to your child; or
- When you revoke consent for services for your child in writing and before the district stops providing special education and related services.

This written notice must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for its proposal or refusal;
4. A statement that you, as parents of a child with a disability, have protection under these procedural safeguards and information about how you can get a copy of the brochure describing the procedural safeguards;
5. Sources for you to contact to obtain assistance in understanding these procedural safeguards;
6. A description of other options the IEP team considered and the reasons why those options were rejected; and
7. A description of other factors relevant to the district's proposal or refusal.

In addition to federal requirements, prior written notice must inform you that, *except for the initial placement of your child in special education*, the school district will proceed with its proposal for your child's placement, or for providing special education services, unless you notify the district of an objection within 14 days of when the district sent you the prior written notice. The district must also provide you with a copy of the proposed IEP whenever the district proposes to initiate or change the content of the IEP.

The prior written notice must also state that, if you object to a proposal or refusal in the prior written notice, you must have an opportunity for a conciliation conference, and the school district must inform you of other alternative dispute resolution procedures, including mediation and facilitated IEP team meetings, under Minnesota Statutes, section 125A.091, Subdivisions 7-9.

FOR MORE INFORMATION

If you need help in understanding any of your procedural rights or anything about your child's education, please contact your district's special education director or the person listed below. This notice must be provided in your native language or other mode of communication you may be using. If your mode of communication is not a written language, the district must take steps to translate this notice orally or by other means. The district must ensure that you understand the content of this notice and maintain written evidence that this notice was provided to you in an understandable mode of communication and that you understood the content of this notice.

If you have any questions or would like further information, please contact:

Name: Cassey Farrell, Learner Support Services Director

Phone: 218-681-8711 ext. 5223

For further information, you may contact one of the following organizations:

ARC Minnesota (advocacy for persons with developmental disabilities)
www.thearcofminnesota.org
651-523-0823
1-800-582-5256

Minnesota Association for Children's Mental Health
www.macmh.org
651-644-7333
1-800-528-4511

Minnesota Disability Law Center
www.mndlc.org
612-334-5970 (Twin Cities Metro)
1-800-292-4150 (Greater Minnesota)
612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights)
www.pacer.org
952-838-9000
1-800-53-PACER,
952-838-0190 (TTY)

Minnesota Department of Education
www.education.state.mn.us
651-582-8689
651-582-8201 (TTY)

ELECTRONIC MAIL

If your school district gives parents the choice to receive notices by email, you can choose to receive your prior written notice, procedural safeguards notice, or notices related to a due process complaint via email.

PARENTAL CONSENT

Definition of Consent

Consent means that you have been fully informed of all information relevant to the activity for which your consent is sought, in your native language, or through another mode of communication. In order to consent you must understand and agree in writing to the carrying out of the activity for which your consent is sought. This written consent must list any records that will be released and to whom.

Revocation of Consent

Consent is voluntary and may be revoked in writing at any time. However, revocation of consent is not retroactive; meaning revocation of consent does not negate an action that has occurred after the consent was given and before the consent was revoked.

When the District Must Obtain Your Consent

A. Initial Evaluation

The district must obtain your written and informed consent before conducting its initial evaluation of your child. You or a district can initiate a request for an initial evaluation. If you do not respond to a request for consent or if you refuse to provide consent for an initial evaluation, the district cannot override your refusal to provide consent. An initial evaluation shall be conducted within 30 school days from the date the district receives your permission to conduct the evaluation, unless a conciliation conference or hearing is requested.

A district will not be found in violation of meeting its child find obligation or its obligations to conduct evaluations and reevaluations if you refuse to consent to or fail to respond to a request for consent for an initial evaluation.

If you consent to an initial evaluation, this consent cannot be construed as being consent for the initial provision of special education and related services.

B. Initial Placement and Provision of Special Education Services and Related Services

The district must obtain your written consent before proceeding with the initial placement of your child in a special education program and the initial provision of special education services and related services to your child determined to be a child with a disability.

If you do not respond to a request for consent, or if you refuse to consent to the initial provision of special education and related services to your child, the district may not override your written refusal.

If you refuse to provide consent for the initial provision of special education and related services, or you fail to respond to a request to provide consent for the initial provision of special education and related services, the district will not be considered in violation for failure to provide your child with special education and related services for which the district requested consent.

C. Reevaluations

Your consent is required before a district conducts a reevaluation of your child. If you refuse consent to a reevaluation, the district may not override your written refusal. A reevaluation shall be conducted within 30 school days from the date the district receives your permission to conduct the evaluation or within 30 days from the expiration of the 14 calendar day time period during which you can object to the district's proposed action.

D. Transition Services

Your consent is required before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

When Your Consent is Not Required

Except for an initial evaluation and the initial placement and provision of special education and related services, if you do not notify the district of your objection within 14 days of when the district sends the notice of the district's proposal to you, the district's proposal goes into effect even without your consent.

Additionally, your consent is not required for a district to review existing data in your child's educational file as part of an evaluation or a reevaluation.

Your consent is also not required for the district to administer a test or other evaluation that is given to all children, unless consent is required from parents of all children.

Parent's Right to Object and Right to a Conciliation Conference

You have a right to object to any action the district proposes within 14 calendar days of when the district sends you the prior written notice of their proposal. If you object to the district's proposal, you have the right to request a conciliation conference, mediation, facilitated IEP team meeting or a due process hearing.

Within ten calendar days from the date the district receives notice of your objection to its proposal or refusal in the district's prior written notice, the district will ask you to attend a conciliation conference.

Except as provided under Minnesota Statutes, section 125A.091, all discussions held during a conciliation conference are confidential and are not admissible in a due process hearing. Within five days after the final conciliation conference, the district must prepare and provide to you a conciliation conference memorandum that describes the district's final proposed offer of service. This memorandum is admissible evidence in any subsequent proceeding.

You and the district may also agree to use mediation or a facilitated individualized education program (IEP) team meeting to resolve your disagreement. You or the district can also request a due process hearing (see section about Impartial Due Process Hearings later in this document). The district must continue to provide an appropriate education to your child during the proceedings of a due process hearing.

Confidentiality and Personally Identifiable Information

Personally identifiable information is information that includes, but is not limited to, a student's name, the name of the student's parent or other family members, the address of the student or student's family, a personal identifier, such as the student's Social Security number, student number, or biometric record, another indirect identifier, such as the student's date of birth, place of birth, a mother's maiden name, other information that, alone or in combination, is linked to or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty, or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Districts and MDE must protect the confidentiality of any personally identifiable data, information, and records they collect, maintain, disclose, and destroy.

Generally, your written consent is required before a district may disclose personally identifiable information from your child's educational record with anyone other than officials of participating agencies collecting or using the information under the Individuals with Disabilities Education Act (IDEA) or for any purpose other than meeting a requirement of that law.

When your consent is not required to share personally identifiable information. Your consent, or the consent of an eligible student (age 18 or older), is not required before personally identifiable information contained in education records is released to officials of a school district or the state department of education for meeting IDEA requirements.

Your child's educational records, including disciplinary records, can be transferred without your consent to officials of another school, district, or postsecondary institution if your child seeks to enroll in or attend the school or institution or a school in that district.

Disclosures made without your consent must be authorized under the Family Educational Rights and Privacy Act (FERPA). Please refer to 34 C.F.R. Part 99 for additional information on consent requirements concerning data privacy under federal law.

Directory Information

Directory information can be shared without your consent. This type of information is data contained in an

education record of your child that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to, a student's address, telephone number, email address, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in official activities and sports, weight and height of athletic team members, degrees, honors, and awards received, the most recent educational agency or institution attended, and a student ID number, user ID, or other unique personal identifier used for accessing or communicating electronically if certain criteria are met. Directory information does not include a student's Social Security number or a student ID number not used in connection with accessing or communicating electronically as provided under federal law.

Districts must give you the option to refuse to let the district designate any or all data about your child as directory information. This notice can be given to you by any means reasonably likely to inform you or an eligible student of this right. If you do not refuse to release the above information as directory information, that information is considered public data and can be shared without your consent.

Data about you (meaning parents) is private data but can be treated as directory information if the same procedures that are used by a district to designate student data as directory information are followed.

WRITTEN ANNUAL NOTICE RELATING TO THIRD PARTY BILLING FOR IEP HEALTH RELATED SERVICES

Before billing Medical Assistance or MinnesotaCare for health-related services the first time, and each year, the district must inform you in writing that:

1. The district will share data related to your child and health-related services on your child's IEP with the Minnesota Department of Human Services to determine if your child is covered by Medical Assistance or MinnesotaCare and whether those services may be billed to Medical Assistance or MinnesotaCare.
2. Before billing Medical Assistance or MinnesotaCare for health-related services the first time, the district must obtain your consent, including specifying the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided), the purpose of the disclosure, the agency to which the disclosure may be made (i.e., the Department of Human Services) and which specifies that you understand and agree that the school district may access your (or your child s) public benefits or insurance to pay for health-related services.
3. The district will bill Medical Assistance or MinnesotaCare for the health-related services on your child's IEP.
4. The district may not require you to sign up for or enroll in Medical Assistance or MinnesotaCare or other insurance programs in order for your child to receive special education services.
5. The district may not require you to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for health services provided, but may pay the cost that you otherwise would be required to pay.
6. The district may not use your child's benefits under Medical Assistance or MinnesotaCare if that use would: decrease available lifetime coverage or any other insured benefit; result in your family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time your child is in school; increase your premiums or lead to the discontinuation of benefits or insurance; or risk your loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

7. You have the right to receive a copy of education records the district shares with any third party when seeking reimbursement for IEP health-related services.

You have the right to stop your consent for disclosure of your child's education records to a third party, including the Department of Human Services, at any time. If you stop consent, the district may no longer share your child's education records to bill a third party for IEP health-related services. You can withdraw your consent at any time, and your child's IEP services will not change or stop.

INDEPENDENT EDUCATIONAL EVALUATIONS

An independent educational evaluation (IEE) is an evaluation by a qualified person(s) who is not an employee of your district. You may ask for an IEE at school district expense if you disagree with the district's evaluation. A hearing officer may also order an independent educational evaluation of your child at school district expense during a due process hearing.

Upon request for an IEE, the district must give you information regarding its criteria for selection of an independent examiner and information about where an independent education evaluation may be obtained.

If you request an IEE, the district must, without delay, ensure that it is provided at public expense or request a hearing to determine the appropriateness of its evaluation. If the district goes to hearing and the hearing officer determines the district's evaluation is appropriate, you still have the right to an independent evaluation, but not at public expense.

If you obtain an IEE, the results of the evaluation must be considered by the IEP/IIP (Individual Interagency Intervention Plan) Team and may be presented as evidence at a due process hearing regarding your child.

EDUCATION RECORDS

Definition of an Education Record

Under federal law an education record means those records that are directly related to a student and that are maintained by the department or the district.

Your Access to Records

If you want to look at your child's education records, the district must give you access to those records for your review. Education records include most of the information about your child that is held by the school. However, information held solely by your child's teacher for his or her own instructional use may not be included in the education records.

The district must allow you to review the records without unnecessary delay, and before any meeting regarding an IEP, or any hearing or resolution session about your child. In addition, the district must comply with your request to review your child's education records immediately, if possible, or within 10 days of the date of the request (excluding Saturdays, Sundays and legal holidays), if immediate compliance is not possible.

Your right to inspect and review records includes the right to:

1. An explanation or interpretation from the district of your child's records upon request; 2.

Have your representative inspect and review the records on your behalf;

3. Request that the district provide copies of your child's educational records to you; and
4. Review your child's records as often as you wish in accordance with state law. State law provides that if you have been shown private data and have been informed of its meaning, that data does not need to be disclosed to you for a period of 6 months unless a dispute or action is pending or new information is created or collected.

Transfer of Rights

Your rights regarding accessing your child's education records generally transfer to your child at age 18. Notice must be provided to you and your child regarding this transfer of rights.

Records on More Than One Child

If any education record includes information on more than one child, you have the right to inspect and review only information relating to your child. You can seek consent to review and inspect education records that include information about children in addition to your own, but the parents of those children have a right to refuse your request for consent.

List of Types and Locations of Information

Upon your request, the district and the department must provide you with a list of the types and locations of education records they collect, maintain or use.

Record of Access by Others

The district must keep a record of each request for access to, and each disclosure of, personally identifiable information in your child's education records. This record of access must include the name of the individual who made the request or received personally identifiable information from your child's education records, the date access was given and the purpose of the disclosure or the individual's legitimate interest in the information.

Consent to Release Records

Generally, your consent is required before personally identifiable information is released to unauthorized individuals or agencies. The consent must be in writing and must specify the individuals or agencies authorized to receive the information; the nature of the information to be disclosed; the purpose for which the information may be used; and a reasonable expiration date for the authorization to release information. Upon request, the district must provide you with a copy of records it discloses after you have given this consent.

The district may not disclose information contained in your child's IEP/IIIP, including diagnosis and treatment information, to a health plan company without your signed and dated consent.

Fees for Searching, Retrieving and Copying Records

The district may not charge a fee to search or retrieve records. However, if you request copies, the district may charge a reasonable fee for the copies, unless charging that fee would prevent you from exercising your right to inspect and review the education records because you cannot afford to pay it.

Amendment of Records at Parent's Request

If you believe that information in your child's records is inaccurate, misleading, incomplete or in violation of your child's privacy or other rights, you may request in writing that the district amend or remove the information.

The district must decide within a reasonable time whether it will amend the records. If the district decides not to amend the records, it must inform you that you have the right to a hearing to challenge the district's decision. If, as a result of that hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of your child's privacy right, it must inform you that you have the right to include a statement of your comments and disagreements alongside the challenged information in your child's education records. A hearing to challenge information in education records must be conducted according to the procedures for such hearings under FERPA.

Transfer of Records

Minnesota Statutes require that a district, a charter school, or a nonpublic school transfer a student's educational records, including disciplinary records, from a school a student is transferring from to a school in which a student is enrolling within 10 business days of a request.

Destruction of Records

The district must inform you when personally identifiable information is no longer needed in order to provide education services to your child. That information must be destroyed at your request. However, the school may retain a permanent record of your child's name, address, phone number, grades, attendance records, classes attended, grade level completed and year completed.

Under federal law, destruction means the physical removal of personal identifiers from information so that the information is no longer personally identifiable. Thus, the student's record does not need to be physically destroyed to comply with your request to destroy special education related records. Districts can appropriately comply with this requirement by removing personally identifiable information from the student's records. The choice of destruction method generally lies with the school district.

The district shall not destroy any education records if there is an outstanding request to inspect or review the records.

Despite your request to destroy records a district can keep certain records necessary to comply with the General Education Provision Act (GEPA), which requires that recipients of federal funds keep records related to the use of those funds. You may want to maintain certain special education records about your child for documentation purposes in the future, such as for applying for SSI benefits.

MEDIATION

Mediation is a free, voluntary process to help resolve disputes. You or your district may request free mediation from the Minnesota Department of Education's Special Education Alternative Dispute Resolution program at 651-582-8222 or 1-866-466-7367. Mediation uses a neutral third party trained in dispute resolution techniques. Mediation may not be used to deny or delay your right to a due process hearing. Both you and district staff must agree to try mediation before a mediator can be assigned. At any time during the mediation, you or the district may end the mediation.

If you and the district resolve all or a portion of the dispute or agree to use another procedure to resolve the dispute, the mediator shall ensure that the resolution or agreement is in writing and signed by both you and the district and that both parties receive a copy of the document. The written resolution or agreement shall state that all discussions that occurred during mediation are confidential and may not be used as evidence in any hearing or civil proceeding. The resolution or agreement is legally binding on both you and the district and is enforceable in state or federal district court. You or the district can request another mediation to resolve a dispute over implementing the mediation agreement.

FILING A WRITTEN COMPLAINT

Any organization or individual may file a complaint with the Minnesota Department of Education (MDE). Complaints sent to MDE must:

1. Be in writing and be signed by the individual or organization filing the complaint; 2. Allege violations of state or federal special education law or rule;
3. State the facts upon which the allegation is based;
4. Include the name, address and telephone number of the person or organization making the complaint;
5. Include the name and address of the residence of the child and the name of the school the child is attending;
6. A description of the nature of the child's problem; including facts relating to the problem,;
7. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed; and
8. Be forwarded to the public agency providing services to the child at the same time the complaint is sent to MDE.

The complaint must be sent to:

Minnesota Department Education
Division of Compliance and Assistance
Due Process Supervisor
1500 West Highway 36
Roseville, MN 55113-4266
651.582.8689 Phone
651.582.8725 Fax

The complaint must be received by MDE no later than one year after the alleged violation occurred. MDE will issue a written decision within 60 days, unless exceptional circumstances require a longer time or you or the district agree to extend the time to participate in mediation. The final complaint decision may be appealed to the Minnesota Court of Appeals by you (the parent) or the school district injured-in-fact by the decision within 60 days of receiving notice of the final decision.

MODEL FORMS

MDE has developed model forms that can be used to file special education or due process complaints. These forms are not required, but are available as a resource to use when filing a complaint. These model forms are available on MDE's website: MDE > School Support > Compliance and Assistance > Due Process Forms.

IMPARTIAL DUE PROCESS HEARING

Both you and the district have a right to request an impartial due process hearing in writing within two years of the date you or the agency knew or should have known about the alleged action that forms the basis of the due process complaint.

A due process hearing can be requested regarding a proposal or refusal to initiate or change a child's evaluation, IEP, educational placement, or to provide FAPE.

A due process hearing may address any matter related to the identification, evaluation, educational placement, manifestation determination or provision of a free and appropriate public education of your child. Within 15 days of receiving notice of your due process complaint, and prior to the due process hearing, the school district must arrange for a resolution meeting with you and the relevant members of the IEP Team who have knowledge of the facts alleged in the due process complaint.

The purpose of this meeting is for you to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the school district has the opportunity to resolve the dispute that is the basis for the due process complaint.

The resolution meeting need not be held if you and the school district agree in writing to waive the meeting or agree to mediation. A resolution meeting is also not required to be held when the district is the party who requests a due process hearing.

If the matter is not resolved within 30 days of receipt of the due process complaint, the hearing timelines begin.

If the school district is unable to obtain your participation in the resolution meeting or mediation after reasonable efforts have been made and the school district does not agree to waive the meeting in writing, the school district may, at the conclusion of the 30-day period, request that a hearing officer dismiss your due process complaint.

Loss of Right to a Due Process Hearing

NOTE: Due to an interpretation of state law by the 8th Circuit Court of Appeals, if your child changes school districts and you do not request a due process hearing before your child enrolls in a new district, you may lose the right to have a due process hearing about any special education issues that arose in the previous district. You do still have a right to request a due process hearing about special educational issues that may arise in the new district where your child is attending.

Procedures for Initiation of a Due Process Hearing

Upon a written request for a hearing, the district must give you a copy of this procedural safeguard notice and a copy of your rights at hearing. If you or the district request a hearing, the other party must be provided with a copy of the request and submit the request to the department. Once it receives the request, the department must give a copy of the procedural safeguards notice to you. All written requests must include:

1. The name of your child;
2. The address of your child;
3. The name of the school your child is attending;
4. A description of the problem(s), including your view of the facts; and
5. A proposed resolution of the problem to the extent known and available to you at the time.

MDE maintains a list of qualified hearing officers. Upon receipt of a written request for a hearing, MDE will

appoint a hearing officer from that list to conduct the hearing. Below are a few of your rights at hearing. This is not a complete list of rights.

Both you and the district have the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
2. Present evidence and confront, cross-examine and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing, including evaluation data and recommendations based on that data; and
4. Receive a free copy of the hearing transcript or electronic recording of findings of fact and decisions. As a

parent, you, specifically, have the right to:

1. Have your child, who is the subject of the hearing, present;
2. Open the hearing to the public; and
3. Have the record or transcript of the hearing and the hearing officer's findings of fact, conclusions of law and decisions made provided to you at no cost.

Responding to the Hearing Request

If you file a hearing request and you did not previously receive a prior written notice from the district about the subject matter of the hearing request, the district must send you a written explanation of why the district refused to take the action raised in the hearing request within 10 days of receiving the hearing request. This explanation must include a description of other options considered by the IEP team, why those options were rejected, a description of each evaluation procedure, assessment, record, or report that the district used as the basis for the proposed or refused action, and a description of the factors relevant to the district's proposal or refusal decision.

The district can assert that the hearing request does not meet the requirements under state law. A hearing request is considered sufficient unless the party who received the request notifies the hearing officer in writing within 15 days of receiving the request that they believe the request does not meet statutory requirements. The hearing officer must determine whether the hearing request meets statutory requirements within 5 days of receiving the request and notify the parties.

Upon receiving your hearing request, the district must also send you a written response that addresses the issues you raised in the hearing request within 10 days of receiving the request.

Disclosure of Additional Evidence Before a Hearing

A prehearing conference must be held within 5 business days of the date the commissioner appoints a hearing officer. This conference can be held in person, at a location within the district, or by telephone. At least 5 business days before a hearing, you and the district must disclose to each other all evaluations of your child completed by that date and recommendations based on those evaluations that are intended to be used at the hearing. A hearing officer may refuse to allow you to introduce any undisclosed evaluations or recommendations at the hearing without consent of the other party.

The Hearing Decision

A hearing decision must be issued and provided to each party within 45 calendar days, or within an appropriately extended time period, upon the expiration of the 30-day resolution period after the due process complaint was received by the state agency. A hearing officer may extend the time beyond the 45-day period if requested by either party for good cause shown on the record. A hearing officer must conduct oral arguments in a hearing at a time and place that is reasonably convenient to you and your child. A hearing officer's decision on whether your child received FAPE must be based on evidence and arguments that directly relate to FAPE. The hearing decision is final unless you or the district files a civil action. A hearing officer lacks the authority to amend a decision except for clerical and mathematical errors.

Separate Request for Due Process Hearing

You have the right to file a separate due process complaint on an issue separate from a due process complaint already filed.

Free or Low-Cost Legal Resources

The district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information or if you or the school district file a due process complaint. A list of free or low cost legal resources is also available on [MDE's Special Education Hearings web page](#) (MDE> Select School Support > Compliance and Assistance > Special Education Hearings).

COMPLAINT AND HEARINGS DATABASE

Final decisions on special education complaints and due process hearings are available to the public on the MDE website. MDE maintains a public database called the Complaints, Hearings, and Letters Search Engine. Decisions available in the database are redacted and all personally identifiable information is removed. This database is available on the Compliance and Assistance webpage on the MDE website at: <http://w20.education.state.mn.us/WebsiteContent/ComplianceSearch.jsp>.

CIVIL ACTION

When you or the district disagrees with the findings or decisions made by a hearing officer, either party may file a court action. The action may be brought in federal district court or the state court of appeals. Different standards of review apply in each court. An appeal to the state court of appeals must be made within 60 calendar days of your receipt of the decision. An appeal to federal district court must be made within 90 days of the date of the decision.

PLACEMENT DURING A HEARING OR CIVIL ACTION

During a hearing or court action, unless you and the district agree otherwise, your child will remain in the educational placement where he/she is currently placed and must not be denied initial admission to school. This is commonly referred to as the "stay-put" rule.

Two exceptions to the "stay-put" rule exist:

1. Students may be removed from their educational setting for not more than 45 school days to an interim alternative educational placement for certain weapon, drug or serious bodily injury violations; and
2. A hearing officer's decision agreeing with you that a change in placement is appropriate as the "stay put" placement during subsequent appeals.

EXPEDITED HEARINGS

You (the parent) or the district can request an expedited hearing in the following situations:

1. Whenever you dispute the district's proposal to initiate or change the identification, evaluation or educational placement of your child or the district's provision of FAPE to your child;
2. Whenever you dispute the district's refusal to initiate or change the identification, evaluation or educational placement of your child or the district's provision of FAPE to your child;
3. Whenever you dispute the manifestation determination; and
4. Whenever the district believes that maintaining the current placement of your child is substantially likely to result in injury to the child or to others.

You or a school district may file a written request for an expedited due process hearing as described above.

Timelines for Expedited Hearings

Expedited hearings must be held within 20 school days of the date the hearing request is filed. The hearing officer must issue a decision within 10 school days after the hearing. A resolution meeting must occur within 7 days of receiving the hearing request, unless you and the school district agree in writing to either waive the resolution meeting or use the mediation process. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receiving the request.

Dismissal of Complaint

If the school district is unable to obtain your participation in the resolution meeting or mediation after reasonable efforts have been made and the school district does not agree to waive the meeting in writing, the school district may, at the conclusion of the 30-day period, request that a hearing officer dismiss your due process complaint.

Placement by a Hearing Officer

A hearing officer may decide to move your child to an interim alternative educational setting for up to 45 school days if the hearing officer determines your child is substantially likely to injure himself or herself or others if he/she remains in the current placement.

Right to Appeal Decision

You or the district can appeal the decision of a hearing officer in an expedited due process hearing.

INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT

The district may change your child's educational placement for up to 45 school days, if your child:

1. Carries a dangerous weapon to or possesses a dangerous weapon at school, on school premises, or at a school function under the jurisdiction of the school district or MDE as defined in federal law;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the school district or MDE. This does not include alcohol or tobacco; or
3. Inflicts serious bodily injury upon another person while at school, on school premises, or at a school

function under the jurisdiction of the school district or MDE as defined in federal law.

On the date the district decides to remove your child and the removal is a change of placement of a child with a disability because of a violation of a code of student conduct, the school district must notify you of that decision, and provide you with the procedural safeguards notice.

The IEP/IIIP team determines the interim alternative educational setting and appropriate special education services. Even though this is a temporary change, it must allow your child:

1. To continue to participate in the general education curriculum and progress towards meeting goals set out in your child's IEP, although in a different setting; and
2. Include services and modifications designed to prevent the behavior from recurring.

If your child is placed in an interim alternative educational setting, an IEP/IIIP meeting must be convened within 10 school days of the decision. At this meeting, the team must discuss behavior and its relationship to your child's disability. The team must review evaluation information regarding your child's behavior, and determine the appropriateness of your child's IEP/IIIP and behavior plan. The team will then determine if your child's conduct was caused by, or had a direct relationship to his or her disability, or if your child's conduct was the direct result of the school district's failure to implement the IEP.

ATTORNEY'S FEES FOR HEARINGS

You may be able to recover attorney fees if you prevail in a due process hearing. A judge may make an award of attorney's fees based on prevailing rates in your community. The court may reduce an award of attorney's fees if it finds that you unreasonably delayed the settlement or decision in the case. If the district prevails and a court agrees that your request for a hearing was for any improper purpose, you may be required to pay the district's attorney's fees.

EXCLUSIONS AND EXPULSION OF PUPILS WITH A DISABILITY

Before your child with a disability can be expelled or excluded from school, a manifestation determination must be held. If your child's misbehavior is related to his or her disability, your child cannot be expelled.

When a child with a disability is excluded or expelled under the Pupil Fair Dismissal Act, Minnesota Statutes Sections 121A.41-56, for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services after the period a period of suspension, if imposed.

DISCIPLINARY REMOVALS

If a child with a disability is removed from his or her current educational placement, this is considered a change of placement if:

1. The removal is for more than 10 school days in a row; or
2. Your child has been subjected to a series of removals that constitute a pattern because: a.

The series of removals total more than 10 school days in a year;

b. Your child's behavior is substantially similar to your child's behavior in previous incidents that resulted in a series of removals; and

c. Of additional factors such as the length of each removals, the total amount of time your child has

been removed, and the proximity of the removals to one another.

The determination of whether a pattern of removals constitutes a change of placement is made by the district. If this determination is challenged it is subject to review through due process and judicial proceedings.

CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

If your child has not been determined eligible for special education and related services and violates a code of student conduct, and the school district knew before the discipline violation that your child was a child with a disability then your child can utilize the protections described in this notice.

A district is deemed to have knowledge that your child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. You expressed concern in writing to supervisory or administrative personnel at the district or to your child's teacher that your child is in need of special education and related services;
2. You requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
3. Your child's teacher or other district personnel expressed specific concerns about a pattern of behavior demonstrated by your child directly to the district's director of special education or to other district supervisory staff.

Exceptions to a District's Knowledge

A district would not be deemed to have such knowledge if:

1. You have previously refused consent for an evaluation of your child or you have previously refused special education services; or
2. Your child has already been evaluated and determined to not be a child with a disability under Part B of IDEA.

Conditions that Apply if There is No Basis of Knowledge.

If a district does not have knowledge that your child is a child with a disability prior to taking disciplinary measures against your child, your child may be subjected to similar disciplinary consequences that are applied to children without disabilities who engage in similar behaviors.

If a request is made for an evaluation of your child during the time period in which your child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is complete, your child remains in the educational placement determined by the district, which can include suspension or expulsion without educational services. In Minnesota, regular special education services are provided on the sixth day of a suspension and alternative education services are provided.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

A district can report a crime committed by a child with a disability to appropriate authorities and State law enforcement and judicial authorities can exercise their responsibilities under the law related to crimes

committed by a child with a disability.

Transmittal of records

If a district reports a crime committed by a child with a disability, the district must ensure that copies of the child's special education and disciplinary records are transmitted to the appropriate authorities to whom the crime is reported for consideration. However, the district may only transmit copies of your child's special education and disciplinary records to the extent permitted by FERPA.

PRIVATE SCHOOL PLACEMENT

IDEA does not require the district to pay for the cost of educating your child, including special education and related services, at a private school if the district made FAPE available to your child and you chose to place your child in a private school. However, you may be able to recover tuition expenses for a private school placement if you informed the district of your intent to enroll your child in a private school at public expense in a timely manner and if a hearing officer finds that the district did not promptly make FAPE available to your child prior to your child being enrolled in the private school and if the private placement is appropriate. You must inform the district of your intent to place your child in a private placement at public expense at the most recent IEP/IIIP meeting prior to removal of your child from public school or by written notice to the district at least 10 business days prior to removal of your child from public school.

Your notice must state why you disagree with the district's proposed IEP/IIIP or placement. If a hearing officer or court finds that the district failed to provide or is unable to provide your child with an appropriate education and that the private placement is appropriate, you may be reimbursed for the cost of the private placement. Failure to tell the school of your intent to enroll your child in a private school at public expense, failure to make your child available for evaluation prior to placing your child in a private school after the district has given you notice of its intent to evaluate your child, or other unreasonable delay on your part could result in a reduction or denial of reimbursement for the private school placement.

A hearing officer cannot reduce or deny the cost of reimbursement if: the district prevented you from being provided with this notice; you did not receive notice of your responsibilities as discussed above in this section; or if compliance with the above requirements would likely result in physical harm to your child and if you failed to provide the required notice because you cannot write in English or if compliance with the above requirements would likely result in serious emotional harm to your child.

PROCEDURAL SAFEGUARDS NOTICE

PARENTAL RIGHTS FOR PRIVATE SCHOOL SPECIAL EDUCATION STUDENTS

INTRODUCTION

October 2006

This notice provides an overview of the parental special education rights, sometimes called procedural safeguards that are provided to the parents of students who have been voluntarily enrolled in private schools. These same procedural safeguards are applicable for students with disabilities who have reached the age of 18.

CHILD FIND

IDEA requires that all children with disabilities, including those students voluntarily enrolled in and attending a private school, are identified, located and evaluated for special education and related services.

INDIVIDUAL SERVICE PLAN

When a private school student is identified as a child with a disability eligible to receive IDEA services, the district must develop and implement an Individual Services Plan ("ISP"). The ISP generally serves the

same functions as a public school student's IEP, but is subject to less procedural safeguards than an IEP. On a form that is very similar to the school district's form for IEPs, a services plan describes the special education and/or related services that a parentally placed child with a disability will receive from the school district. The services must be provided by personnel meeting the same standards as personnel providing services in the public school. The services plan describes the services the school district has determined will be available to private school children with disabilities. To the extent appropriate, the services plan includes IEP elements at section 34 C.F.R. 300.347. The elements in each child's services plan may vary depending on the services to be provided. Most services plans will include the following: the child's present level of educational performance; annual goals, including benchmarks or short term objectives; a statement of the special education, related services, or supplementary aids and services; a statement of the program modifications or supports; an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular education environment; the projected date for beginning the services and modifications, and the amount, anticipated frequency, location and duration of the services and modifications; and a statement of how the child's progress toward the annual goals will be measured and how the parents will be regularly informed of their child's progress and the extent to which the progress is sufficient to enable the child to achieve the goals by the end of the year.

Other IEP elements at 34 C.F.R. 300.347 may be included, depending on the services the school district will provide to the child (e.g., transition services).

PARENTAL CONSENT

1. The district must obtain your consent before conducting an initial evaluation of the student. Your consent for an initial evaluation does not authorize the district to begin providing the student with special education and related services.
2. Giving your informed consent means that you have been fully informed of the information relevant to the activity for which your written consent is sought. Your consent is voluntary and may be revoked at any time. However, the revocation of your consent does not negate any action that has occurred after your consent was given but before your consent was revoked.
3. Your consent is required before the district begins to provide special education and related services to the student. If you refuse to consent to the initial provision of services to the student the district may not override your refusal, and the district will not be considered in violation of the law for failure to provide the student with special education and related services for which the district requested your consent.
4. Your consent is required before a district conducts a reevaluation of the student. The reevaluation may occur without your consent if the district has taken reasonable steps to get your consent and you have failed to respond.
5. You have a right to object in writing to any action the district proposes. However, the manner in which a private school
a parent challenges a district's decision or proposal varies according to the nature of the decision or proposal.
6. Generally, your consent is required before a district may disclose personally identifiable information regarding the student or the student's educational records, but this information may be disclosed to individuals within the district who have a legitimate educational interest in the information or are providing services to the student under the IDEA. This information may also be disclosed in accordance with the Family Educational Rights and Privacy Act ("FERPA"), the Minnesota Government Data Practices Act, the Individuals with Disabilities Education Act ("IDEA"), or other law.

ACCESS TO STUDENT'S EDUCATION RECORDS

If you want to review the student's education records, the district must give you access to the records. The District must allow you to review the records without unnecessary delay, and before any meeting regarding an IEP or any due process hearing about the student. Your right to inspect and review education records includes the right to:

1. An explanation or interpretation of the student's records from the district upon reasonable requests;
2. Have your representative inspect and review the records on your behalf;
3. Request the district provide copies of the student's education records to you.

The district may not charge a fee to search or retrieve the student's education records. However, if you

request copies, the district may charge a reasonable fee for the copies, unless charging that fee would prevent you from exercising your right to inspect and review the education records. If you request 100 or fewer copies of black and white, letter or legal size paper copies, the district may not charge more than \$.25 per copy.

The district must keep a record of persons accessing the student's special education records. This record must include the persons, except the parents and district employees, who are given access to the student's educational records. This record of access must include the name of the person who accessed the records, the date of access and the purpose of the person's access to the student's educational records. You may specifically request a copy of all records concerning IEP health-related services disclosed by the district to a third party.

INDEPENDENT EDUCATIONAL EVALUATIONS

An independent educational evaluation ("IEE") is an evaluation by a qualified person who is not an employee of your district. You may ask for an IEE at school district expense once the district evaluates the student and you disagree with the district's evaluation. A hearing officer may also order an independent evaluation of the student at school district expense during the pendency of a due process hearing. Upon your request for an IEE, the district must provide you with information about where an IEE may be obtained and the applicable district criteria for an IEE. When you request an IEE, the district must, without delay, ensure that either the IEE is provided at public expense or request a hearing to determine the appropriateness of the district's evaluation is appropriate, you still have the right to an independent evaluation, but not at public expense. If you obtain an IEE at your own expense, the results of the evaluation must be considered by the district and may be presented as evidence at a due process hearing regarding the student.

WRITTEN COMPLAINTS

The Parent of a voluntarily placed private school student may file a complaint with the Minnesota Department of Education ("MDE") to challenge any aspect of a district's provision of special education and related services to the private school student as well as the district's provision of a free appropriate education to the student. A complaint sent to MDE must:

1. Be in writing and be signed by the individual or organization filing the complaint; 2. Allege violations of special education law or rules that have occurred within two years of the date the complainant knew or should have known about the alleged action that forms the basis of the complaint.
3. State the facts upon which the allegation is based; and
4. Include the name, address, and telephone number of the complainant.

The complaint must be sent to:

Minnesota Department of Education Division of Compliance and Assistance Due Process Supervisor 1500
West Highway 36
Roseville, MN 55113-4266
(T)651-582-8689 (F)651-582-8725

MDE will issue a written decision within 60 days. The final complaint decision may be appealed to the Minnesota Court of Appeals within 60 days of the date the decision is issued.

MEDIATION AND IMPARTIAL DUE PROCESS HEARINGS

The parents of voluntarily placed private school students have very limited rights in regards to due process hearings and other dispute resolution proceedings. A due process hearing may only be requested about matters relating to child find and their child's evaluation and eligibility determination. Parents may **not** request mediation or a due process hearing about other matters relating to parentally placed private school children, including the provision of services in the child's services plan. Due process does not apply because there is no individual right to special education services for a child attending private school identification and/or evaluation of a disabled student under IDEA.

Impartial due process hearings must be requested in writing within two years of the date your or the district knew or should have known about the alleged action that forms the basis of the complaint. A request for a hearing must be sent to MDE and to the involved school district.

The MDE will appoint an impartial hearing officer to conduct the due process hearing. If the MDE is the provider of services to the student, the MDE will request the Office of Administrative Hearings to appoint a

qualified hearing officer.

Request for Due Process Hearing

The request for a due process hearing must include: 1. The name of the student;
2. The address of the student;
3. The name of the school the student is attending;
4. A description of the nature of the problem(s) of the student causing you to request the hearing, including facts relating to such problem(s); and
5. A proposed resolution of the problem to the extent known to you.

Resolution Session

When you request a hearing, the district must arrange for a resolution session to occur within 15 days after receiving the hearing request. The resolution session is an opportunity for you to discuss your complaint with the district and gives the district an opportunity to resolve the complaint. The resolution session must include you and relevant members of the IEP team. If an agreement is reached during the resolution session, you and the district must execute a legally binding agreement stating the resolution. Either party may void the agreement within three business days of signing the agreement.

The requirement for this resolution session may only be waived if (1) both you and the district agree to mediation; or (2) both you and the district agree to waive the resolution session requirement in writing. If you do not attend a resolution meeting or mediation, you are not entitled to a hearing.

Disclosure of Additional Evidence Before a Hearing

At least five business days before a hearing, you and the district must disclose to each other any evidence that you intend to use at the hearing, including, but not limited to, all evaluations of the student completed by that date as well as any recommendations based on those evaluations. A hearing officer may refuse to allow you to introduce any undisclosed evidence at the hearing unless the other party consents. All evidence must be limited to the specific issues described in the request for a due process hearing.

Your Rights During Hearing

Both you and the district have the right to:

1. Be accompanied and advised by an attorney and by individuals with special knowledge or training with respect to the problems of students with disabilities;
2. Present evidence;
3. Confront, cross-examine, and compel the attendance of witnesses;
4. Prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing including, but not limited to, evaluation data and recommendations based on that data;
5. Receive a written copy of the hearing transcript, or at your discretion, an electronic, verbatim record of the hearing; and
6. Receive a written copy of the hearing officer's findings of fact and decision, or at your discretion, an electronic version of the findings of fact and decision.

As a parent, you have the right to:

1. Have the student who is the subject of the hearing present;
2. Open the hearing to the public; and
3. Notice the time, date, and place of the hearing from the hearing officer at least ten calendar days in advance of the hearing.

Hearing Process

The hearing must be held at a location within the district responsible for ensuring a free appropriate public education is provided to the student.

The burden of proof at the hearing is on the district to demonstrate, by a preponderance of the evidence, that it has complied with its child find responsibilities under IDEA and/or has appropriately evaluated the student.

The hearing officer will make a written decision based only on evidence received and introduced in the

record at the hearing not more than 45 calendar days from the expiration of the resolution period. Extensions may be available under some circumstances if the requesting party can show good cause. The proposed action or refusal will be upheld only upon a showing by the district by a preponderance of the evidence. You have the burden of proving, by a preponderance of the evidence, that services for which you are paying or have paid, and for which you are seeking public funds, are appropriate for the student.

Attorneys Fees for Hearings

You may be able to recover your attorney fees if you prevail in a due process hearing or further civil action. A petition for fees must be filed in a court of competent jurisdiction. A judge may make an award of attorneys fees based on prevailing rates in your community. The court may reduce an award of attorneys fees if it finds that you unreasonably delayed the settlement or decision in the case. If the district prevails and a court agrees that your request for a hearing was for any improper purposes, such as to harass the district, you may be required to pay the district's attorney's fees.

Civil Action

The independent hearing officer's decision is final unless you or the district files a civil action. If you or the district disagrees with the findings or decisions made by a hearing officer, either party may file a court action. The action may be brought in a federal district court or the Minnesota Court of Appeals. Different Standards of Review apply in each court. An appeal to the state Court of Appeals must be made within 60 days of the decision. An appeal to a federal district court must be made within 90 days of the date of the decision. The statute of limitations for bringing claims under the Individuals with Disabilities Act is two years.

FOR MORE INFORMATION

If you need help in understanding this notice or anything about the student's education, please contact the administration at the student's school, the district's special education director, or the person or the agencies listed below. As indicated above, this notice is a general overview of private school parental special education rights as of November 2005, and is not intended to address a parent's specific rights in a particular factual situation.

If you have any questions or would like further information, please contact: Name: Elaine Grovum, Director of Special Education

Phone: 218-6818711 x 223

For additional assistance, you may contact any of the groups listed below:

ARC Minnesota <http://www.arcminnesota.com> (651) 523-0823 (800) 582-5256

PACER <http://www.pacer.org/> (952) 838-9000 (800) 537-2237 (952) 838-0190 (TTY)

Minnesota Disabilities Law Center <http://www.mndlc.org/> (612) 332-1441 (800) 292-4150 (612) 332-4668 (TTY)

Minnesota Department of Education <http://www.education.state.mn.us> (651) 582-8689 (651) 582-8201

APPENDIX C
REGION 1 IEIC OPERATING PROCEDURES

OPERATING PROCEDURES

9/21/2011

Interim Operating Procedures

Region 1 Help Me Grow Interagency Early Intervention Committee (IEIC)

Glossary Of terms:

ICC– Governor's Interagency Coordinating Council

IEIC – Interagency Early Intervention Committee

Regional IEIC – Region 1 Help Me Grow IEIC

Purpose of the Committee

The purpose of the Region 1 Help Me Grow IEIC is to develop and assure the implementation of interagency policies and procedures, in a way that is consistent with other regions throughout the estate, so that eligible children ages birth to five and their families are identified and have access to appropriate services and supports.

Requirements of the Committee

Statutory Requirements:

Purpose of Interagency Early Intervention Committee:M.S.125A.30

(a)A school district, group of districts, or special education cooperative, in cooperation with the health and human service agencies located in the county or counties in which the district s cooperative is located, must establish an Interagency Early Intervention Committee for children with disabilities under age five and their families under this section, and for children with disabilities ages three to 22 consistent with the requirements under sections 125A.023 and 125A.027. Committees must include representatives of local health, education, and county human service agencies, county boards, school boards, early childhood family education programs, Head Start, parents of young children with disabilities under age 12, child care resource and referral agencies, school readiness programs, current service providers, and may also include representatives from other private or public agencies and school nurses. The Committee must elect a chair from among its members and must meet at least quarterly.

(b)The Committee must develop and implement interagency policies and procedures concerning the following ongoing duties:

(1) develop public awareness systems designed inform potential recipient families, especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications,of available programs and services;

(2) to reduce families need for future services, and especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities, including a child under the age of three who: (i) is involved in a substantiated case of abuse or neglect or(ii)is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;

- (3) establish and evaluate the identification, referral, child and family assessment systems, procedural safeguards process, and community learning systems to recommend, where necessary, alterations and improvements;
- (4) assure the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individual education plans and individual service plans when necessary to appropriately serve children with disabilities, age three and older and their families and recommend assignment of financial responsibilities to the appropriate agencies;
- (5) implement a process for assuring that services involve cooperating agencies at all steps leading individualized programs;
- (6) facilitate the development of a transitional plan if a service provider is not recommended to continue provide services;
- (7) identify the current services and funding being provided within the community for children with disabilities under age five and their families;
- (8) develop a plan for the allocation and expenditure of additional state and federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108\446) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89\313); and
- (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal law to enable a member of an interagency early intervention committee to allow another member access data classified as not public.

(c) The local Committee shall also:

- (1) Participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families; and
- (2) Review and comment on the early intervention section of the total special education system (TSES) for the district, the county social service plan, the section or sections of the community health services plan that address needs of and service activities targeted to children with special health care needs, the section on children with special needs in the county child care fund plan, sections in Head Start plans on coordinated planning and services for children with special needs, any relevant portions of early childhood education plans, such as early childhood family education or school readiness, or other applicable coordinated school and community plans for early childhood programs and services, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities.

Relationships/Alignment/Priorities

This section serves to clarify the required roles of the state, regional and local entities within the statewide early intervention system. Roles and responsibilities have either changed from how things have been done in the past or they have been clarified to comply with state statute. Clarifying the roles will help to ensure that communication occurs within and between the three entities.

- **Lead Agency and State Partners:** Minnesota Department of Education is the lead agency for Part C Early Intervention services, with Minnesota Department of Health and Department of Human Services Participating A state Partners, in delivering a comprehensive and coordinated interagency system. State agency staff may attend and participate in the Region 1 HELP ME GROW IEIC as ex officio members. Minnesota Department Education will determine a way to establish this across the

state (i.e., state staff could have a liaison with each region for attendance at meetings, etc.).

- **Governor's Interagency Coordinating Council (ICC):** The Region 1 Help Me Grow designee will attend the ICC meetings and report the business of the Regional IEIC to the ICC in the role of a guest. ITV as an option for Region 1 and 2 will be explored by MDE Help Me Grow staff.
- **Special Education Administrative Units (SEAU):** The Region 1 Help Me Grow IEIC will collaborate with SEAUs to examine and distinguish local vs. regional priorities. Funding priorities will be established to help guide funding decisions at the SEAU.
- **Other local agencies:** Linkages to local entities (community-based service providers) should be maintained. SEAUs and local agencies will collaborate to maintain established relationships.
- **Centers of Excellence for Young Children with Disabilities Project (COE):** The Region 1 Help Me Grow IEIC will collaborate with the COE to ensure that ongoing training needs are met. The COE will participate in assessing district/local agency needs for training. Districts are strongly encouraged to align training with the COE to avoid duplication of training efforts. *See appendix 1, Region 1 & 2 Cross Sector Professional Development Committee, an affiliated work group of the Region 1 & 2 Help Me Grow IEIC s.*

Operational Considerations

Fiscal Host: The fiscal host for the Region 1 Help Me Grow IEIC is: **The Bemidji Regional Interdistrict Council (BRIC)**

A fiscal host has been designated by the IEIC. The agency designated as the fiscal host must be an eligible recipient of federal special education funds and agrees to expend these federal funds consistent with the approved budget and in accordance with the "Statement of Assurances" as signed by the district special education director and superintendent.

Local Primary Agency (LPA): The local primary agency for the region 1 Help Me Grow IEIC is: **The Bemidji Regional Interdistrict Council (BRIC)**

An LPA has been determined by the IEIC. The LPA will perform duties consistent with Minnesota Statutes, section 125A.31 including: providing oversight of funds received through the annual fund request and providing oversight for data collection efforts.

Maintain documents: Local Primary Agency will maintain IEIC documents. Examples of documents include Operating Procedures, Work Plan, meeting minutes, fiscal host, membership rosters, meeting sign-in sheets, and other documents as identified.

Website posting:

Use existing WIKI for Region 1 and 2 for members; <http://nwmncoe.pbworks.com>

Use a current website for more public information. (Consider BRIC &/or ASEC)

Process to change Operating Procedures:

Changes proposed at one meeting would be voted on at the meeting or within two weeks electronically, providing an electronic quorum has been met (see description of a quorum on page 5). If electronic voting is needed, proper documentation explaining the proposed change will be sent with the request for electronic vote.

Within 30 days of the date the proposed change is received, it shall be submitted in writing to the IEIC Chair, who will then distribute the request to the Regional IEIC membership (as defined below). The membership shall have received the proposed amendment or amendments at least 14 days prior to the meeting.

The overall system will be evaluated using the same measures at 1 year and at the 3 year mark to evaluate effectiveness and impact of the new structure. The Interagency Coordinating Council will create that process.

Demographics

Geographic area served:

School Districts: Crookston 593, Roseau 682, Thief River Falls 564, Warroad 690, Ada\Borup 2854, Climax 592, East Grand Forks 595, Fertile-Beltrami 599, Fisher 600, Fosston 601, Plummer 627, Red Lake Falls 630, Stephen Argyle Central 2856, Warren-Alvarado-Oslo 2176, Win-E-Mac 2609, Badger 676, Goodridge 561, Greenbush-Middle River 2683, Tri-County 2358, Grygla 447, Kittson Central 2171, Lancaster 356, Marshall County Central 441.

Region 1 Counties: Norman, Polk, Marshall, Red Lake, Pennington, Kittson, Roseau

Region 2 Counties: Lake of the Woods, Beltrami, Clearwater, Mahnomen, Hubbard, Cass

Head Start:

Region 1: Northwest Community Action, Inter County Community Council, Tri\Valley Opportunity Council

Region 2: Northwest Community Action, Inter County Community Council, Mahube, Bi\CAP, White Earth Head Start, Leech Lake Head Start, Red Lake Head Start

Reservations:

Region 1: Red Lake

Region 2: White Earth, Leech Lake and Red Lake

Membership

Mandated Sector Membership requirement: *(according to statute)*

Representation:

- Health
- Education
- County human services
- County board
- School board
- Early Childhood Family Education programs
- Head Start
- Parents of young children with disabilities under age 12
- Child Care Resource and Referral
- School Readiness programs
- Current service providers
- May also include representatives from:
 - Private agencies
 - Public agencies
 - School nurses

See appendix 2: Membership, Region 1 Help Me Grow IEIC.

Additional Members Identified: Other members to be identified by the new Region 1 Help Me Grow IEIC.

Ex Officio– CoE staff

Public meeting– Anyone is welcome to attend and can request to be on the agenda,

Recruitment/ selection of members: To be determined by the new Region 1 Help Me Grow IEIC.

Chair/Co Chair:

Chair – Dr. Julie Przekwas, Director of Special Education-Roseau Public School District

Co-Chair/Chair Elect –Kathy Girdler, Nursing Supervisor, Polk County Public Health

Assurance of area representation: There is representation from each geographic area. The representative will bring information to and share information from those constituents.

Removal/replacement: If a member of the Region 1 Help Me Grow IEIC is not able to continue on the Regional IEIC, the vacancy must be filled by another member from the same representative category (process yet to be determined).

In the event a Regional IEIC committee member shall miss two of the scheduled committee meetings in a twelve\month period without notifying the IEIC Chair(s), the Chair(s) of the Regional IEIC Committee shall have the right to remove the absent member and the membership committee shall fill the vacancy thereby created.

Conflict of interest: Any individual working for an agency that may benefit from a decision that is made would need to disclose that potential conflict of interest. No member of the Committee may cast a vote on any matter that would provide direct financial or other perceived benefit to that member or otherwise give the appearance of a conflict of interest.

Terms of membership: 2 year term length for chair, co-chair & Secretary

Meetings

Meetings of members:

Meeting cycle:

Quarterly meetings

1st Q: Summer June

2nd Q: Fall September

3rd Q: Winter January

4th Q: Spring April

Meeting notification: Notices, agendas, and supporting documents will be sent out electronically 2 weeks prior to meetings.

Ground rules: To be determined by the new Region 1 Help Me Grow IEIC.

Attendance: Two consecutive absences without notifying the chair would result in dismissal from the Committee. Designees may be assigned as follows:

When members are unable to attend scheduled Region 1 Help Me Grow IEIC meetings, they may assign a designee, in writing, to the Chair. The designee shall have the authority to exercise the full privileges of the absent member.

Members may request an electronic connection to the meeting.

Decision making process/voting: The committee may make decisions via electronic communication.

Distribution of meeting minutes to other stakeholders, interested parties: There will be communication mechanisms (e.g., website postings) in place to ensure that decisions and regional committee work are available to all interested parties.

Electronic participation: Electronic voting as a group at meetings is acceptable. Conference calling within 24 hours notice; or other form of electronic meeting is acceptable with 48 hour notice to the chair.

Absentee Voting: A member who is unable to attend a meeting may vote on any noticed action item by submitting his or her vote in writing to the Chair(s) in advance of the meeting in which the action will be taken. Such votes may be sent by mail, email or facsimile transmission.

Standing agenda format: The new Region 1 Help Me Grow IEIC will determine if a standing agenda format is needed.

Quorum: Quorum is established by the majority of those present in person and electronically.

Voting: Decisions by the Region 1 Help Me Grow IEIC shall, to the extent possible, be made by consensus of members (and designees), unless an exception is noted. If there is no consensus, decisions shall be made by a majority vote (51% or more) of the members (and designees). Simple majority of those present.

Conflict: When a decision cannot be reached, an outside facilitator could be brought in to assist, if needed.

Reimbursement policies: The new Region 1 Help Me Grow IEIC will determine if any members or positions shall receive reimbursement for participation and duties on the IEIC. If a Regional IEIC member is serving within his/her assigned job duties, expenses will not be reimbursed by the Regional IEIC committee.

Standing SubYCommittees: (optional)

The committee structure shall be determined by the Regional IEIC. The Regional IEIC Chair(s) shall appoint IEIC members, community representatives, agency liaisons to each committee, considering individual interests and expertise. Other workgroups and task forces shall be designated in order to conduct the business of the Regional IEIC.

Chair of Sub Committee: The Chair(s) of the Sub Committees will be appointed by the Regional IEIC Chair(s).

a) Membership – To be determined

- b) Public Awareness/Child Find – To be determined
- c) Professional Development – To be determined

Year IEIC established: 2011
Approval Signatures (Initial Chair): _____/_____
Changes to operating procedures: _____/_____
Changes to operating procedures: _____/_____
Changes to operating procedures: _____/_____

First Name	Last Name	IEIC Sector Membership	Position	Agency	Email Address	FY23-24 Region 1 IEIC Position
Dr. Julie	Przekwas	Co-Chair Education	Director of Special Education	Roseau Public School	Julie.Przekwas@roseauschool.org	Chairperson; Director Roseau
Kathy	Girdler	Co-Chair Health	Nursing Supervisor; Follow Along Prog.	Polk County Public Health	kathy.girdler@co.polk.mn.us	Co-Chair
Kristi	Nelson	County Services	Social Services Director	Red Lake County	kbnelson@mail.co.red-lake.mn.us	Committee member: social services/dhs
Patti	McKinnon	Early Childhood Head Start	Services Manager	Northwest Community Action Services	psmckinnon@nwcaa.org	Early Head Start; NWCAA
Lisa	Hinrichs	ECFE	ECFE Coordinator	Thief River Falls Schools	Lisa.hinrichs@myproowler.org	Committee member; ECFE
Brandi	Neseth	ECSE	ECSE Provider B-6	Crookston Public Schools	brandinesseth@isd593.org	Committee Member
Justine	Schumacher	ECSE	ECSE & Speech/Language Pathologist	Roseau Public School	justine_schumacher@roseauschool.org	HMG Materials
Tiffany	Litman	Education	Executive Director	Area Special Education Cooperative	tlitman@asec.net	1 of 2 from Representatives from ASEC

Kim	Johnson	Education	Executive Director	Northwest Regional Interdistrict Council	kjohnson@nwrlic.org	none just :cc
Tracy	Bergstrom	Education	Director of Special Education	Warroad Public Schools	tracy_bergstrom@warroadschools.org	Committee Member; Director Warroad
Cassey	Farrel	Education	Director of Special Education	Thief River Falls Schools	cassandra.ferrel@myprolifer.org	Committee Member; Director Thief River
Sandy	Fladeland	Education	Assistant Sped Director	Area Special Education Cooperative	sfladeland@asec.net	1 of 2 from Representatives from ASEC
Kathy	Stronstad	Education	Special Services Director	Crookston Public Schools	kathrynstronstad@isd593.org	Committee Member; Past Chair
Meredith	Yates	Education	Lead Preschool Teachers/ECF E Coord.	Warroad Public Schools	myates@nwcaa.org	Committee Member; Headstart
Becky	Levenhagen	Education	Assistant Sped Director	NWRIC	blevenhagen@nwrlic.com	Committee Member; Past ECSE Teacher
Mareen	Hams	Head Start	Director; Community Services	Tri-Valley Opportunity Council (TVOC)	mhams@tvoc.org	H.S. Community Services Member
D'Anne	Johnson	Head Start	Head Start Director; Oklee	Inter-County Community Council H.S.	djohnson@intercountycc.org	New Committee Member;
Lynette	Kaster	Head Start	Child Services Coordinator; HMG	Inter-County Community	lynettek@intercountycc.org	Committee Member; Head Start

				y Council H.S.		
Crystal	Peterson	Head Start	Health Coordinator	Northwest Community Action Services	cpeterson@nwcaa.org	Committee Member until new person is hired
Jodi	Flaagen	Health	Coordinator	Quin Communit y Health Services	jodiflaagan@wiktel.com	Committee Member; WIC?
Kris	Wallenberg	Public Health; Follow Along	Follow Along Program - Public Health	Kittson Memorial Health Care (KMHC)	kris.wallenberg@km hc.net	Committee Member
Sandy	Boman	Public Health; Follow Along Prog.	Support Staff	Norman County Public Health	sandy.boman@co. norman.mn.us	HMG Materials
Amber	Neadeau	Multicult ural Rep: Native Am.	Native American Liason; TRFs	Thief River Falls Schools	amber.neadeau@ myprowler.org	Multicultural Rep: Native Am.
Natasha	Stengrim	Navigat or	Wayfinder Program	Tri-Valley Opportunit y Council (TVOC)	natasha.stengrim@ voc.org	Childcare Programming assistance
Ann	Holub	Child Care Resourc e & Referral	Parent Aware Program Coordinator	Tri-Valley Child Care Aware	ann.holub@tvoc.or g	Committee Member; Parent Aware
Noura	Ahmed	Public Agency	VP/Program Manager - Liaison	New Hope for Immigrants	noura.ahmed@new hopeforimmigrants. org	
Jeanna	Kujava	Public Health	Public Health Director; Follow Along	Kittson Public Healthcar	jeanna.kujava@km hc.net	New Committee Member;

				e; Hallock		
Nicole	Peterson	Public Health	Maternal Child Health Nurse	LifeCare Public Health	nsunsdahl@lifecaremc.com	Committee Member; Public Health
Shunay	Soliah	Public Health	Maternal Child Health Nurse	Kittson Healthcare Public Health	shunay.soliah@knhc.net	Committee Member; Public Health
Brooke	Homstad	Public Health	Public Health Nurse; Follow Along Prog.	Lifecare Medical Center	bhomstad@lifecaremc.com	HMG Materials
Ashley	Fredrickson	Public Health; Follow Along	North Valley Public Health	Marshall County; Warren MN	ashley.fredrickson@northvalleyhealth.org	Nurse; Committee Member

Appendix D

Memorandum of Agreement

Thief River Falls Public School

School Readiness, Early Childhood Family Education & Early Childhood Special Education & Inter-County Community Council Head Start

I. Parties to the Agreement

- a. Thief River Falls School Readiness
- b. Thief River Falls Special Education
- c. Thief River Falls Early Childhood Family Education
- d. Inter-County Community Council (ICCC) Head Start

II. Purpose of Agreement

- a. To ensure that all children in our communities receive the early childhood services needed wherever possible by maximizing community resources.
- b. To demonstrate our commitment to detail comprehensive services that are outlined in the Head Start Act of 2007, the Head Start Program Performance Standards (HSPPS), and, where applicable, MN Child Care Center Licensing.

III. Program Descriptions

- a. ICCC Head Start serves Pennington, Red Lake, Clearwater and eastern Polk counties. Head Start is a nation-wide Federal grant program funded by the U.S. Department of Health and Human Services. It is a comprehensive child development program for families with young children in the areas of education, social services, health and family involvement. The Head Start program is for expectant parents and children from birth to 5 years of age and their families.
- b. Head Start is mandated to assume a leadership role in the development of partnerships with community agencies and service providers. Each Head Start program must have a written agreement with the local education agency (LEA) that operates a pre-K program in their district.
- c. Thief River Falls School District #564 School Readiness program serves the community of Thief River Falls. School Readiness (SR) is a public school program open to Minnesota children from 3 years to kindergarten enrollment. Children are identified to participate in the program through early childhood screening or assessment. School districts offer early childhood education programs and services unique to the needs of children and the resources in their communities. The goal of SR is to prepare children for kindergarten with the skills and behaviors necessary to be successful in future learning.
- d. Thief River Falls School District Early Childhood Family Education (ECFE) program serves the community of Thief River Falls. ECFE is a public school program open to children ages 0- Kindergarten enrollment. Parents are encouraged to participate to promote their skills as the primary educator of their child and parent skills.
- e. Thief River Falls School District Special Education Program provides a comprehensive assessment/evaluation for children identified by ICCC Head Start and Thief River Falls District screening systems and provide ICCC Head Start with copies of the IFSP or IEP.

IV. Responsibilities of Partnering Programs

Named programs will meet at least twice in the next year in order to review the following strategies for collaboration:

- Alignment of child outcomes based on Head Start Framework, MN Early Learning Standards and Kindergarten expectations and review of the Head Start School Readiness goals;
- Public information dissemination and access to programs for families contacting the Head Start program or any preschool programs, including referrals to appropriate programs;
- Encourage parents to be involved and engaged in their child's education and the preschool program;
- Selection priorities for eligible children to be served by programs;
- Provision of additional services to meet the needs of children with disabilities on IEP or IFSP that are served by the TRF Public School / Special Education Department;
- Communications and parent outreach for smooth transitions to kindergarten as required in the Head Start Act;
- Collaborating to ensure that children participate in preschool screening;

- Provide, upon request, records for transitioning children from one program to another;
- Provide comprehensive assessment for children referred from screening results and observations;
- Each party will maintain records of completed background checks and / or health requirements on their respective staff. Upon request, will provide copies of records for staff working one on one with enrolled children upon request as per HSPPS and/or MN DHS licensing guidelines, or other regulations;
- Promote partnerships with all early childhood staff between programs to conduct collaborative activities where possible;

V. Guiding Principles

The following principles will guide the development of this memorandum of agreement:

- We will create and maintain a meaningful partnership that will facilitate improvement in the availability and quality of services for children ages 0-5 and their families in our common service area.
- We will work toward a comprehensive system of activities, policies and procedures among the named parties which guide and support delivery of unduplicated services to children and their families.
- We will develop successful linkages within the context of the Every Student Succeeds Act, the Head Start Act of 2007, HSPPS, and Minnesota child care licensing guidelines.
- We will plan and implement strategies based on practice and research that have proven to support children's school success.
- We will respect the unique needs and resources of each program.

VI. In Kind Contribution

To meet federal regulations outlined in the Head Start Act of 2007, ICCC is required to document contributions made by community partners to benefit our Head Start families. As partnering activities arise, we will contact staff regarding in kind documentation of contributions.

VII. Confidentiality

All acknowledge confidentiality requirements that each agency must follow regarding the sharing and release, with the consent of families, of personally identifiable information regarding children and families. Each agency will protect the rights of young children with respect to records and reports created, maintained, and used by the public agencies. It is the intent of this agreement to ensure that parents have rights of access and rights of privacy with respect to such reports and records, and that applicable State and Federal laws for exercise of these rights be strictly followed. Family Educational Right and Privacy Act (FERPA) will be followed. (See 34CFR 303.460)

VIII. Review and Duration of Agreement

This agreement will be jointly reviewed by all parties if laws and regulations are amended that will significantly impact the agreement, or when a party requests a formal change. This agreement will be in effect for the 2024-25 school year.

IX. Signatures

Each program, by the signature below of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it and agrees to be bound by its terms.

This agreement is executed on behalf of ICCC Head Start and Thief River Falls School District #564 Early Childhood programs.

Catherine Johnson, ICCC Executive Director



07-23-2024

Meg Kolden, TRF Community Education Director



07-23-2024

Dr. Chris Mills, TRF Superintendent

Chris Mills

08-26-2024

Cassey Farrell, TRF Director of Learner Support Services

Cassey Farrell

07-24-2024

Appendix E

Thief River Falls School District #564 Parent Advisory Council

In order to increase the involvement of parents of children with disabilities in district policy making and decision-making, school districts must have a special education advisory council that is incorporated into the district's special education system plan.

Role of the PAC

1. Support school staff in developing or improving special education services.
2. Support activities on behalf of students with disabilities.
3. Assist in the development of cooperative relationships between regular and special education.
4. Serve as a sounding board for parent and professional concerns related to special education.

Term of Service

Membership on the council will be for a two-year term. The Director of Special Education will be a permanent member of the council. The council will be made up of two parents and one teacher from each of the following grade levels: Preschool, Grades 1-5, Grades 6-8, and Grades 9-12, as well as the Director of Special Education, for a total of 13 members.

Mission Statement

The mission of the Thief River Falls School District #564 Parent Advisory Committee is to enhance sound district policy and decision-making for special education provision and programming by facilitating involvement and advice to School District #564.

Specifically, the Parent Advisory Committee aims to:

1. Increase the involvement of parents of children with disabilities in district policymaking through honest cooperative dialog.
2. Work together with teachers and administrators to enhance the opportunity of parents with special needs children to develop advocacy skills, and establish honest team relationships.
3. Work as a team with teachers and administrators to provide a compassionate, common sense source of support and information to parents and children with special needs.