

# Randolph Independent School District 195 Total Special Education System (TSES), July 2, 2018

This document serves as the Total Special Education System Plan for Randolph Independent School District 195 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).

Benjamin Fisher, District 195's Special Education Director, is responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration. He may be reached at 507-645-7409.

## I. Child Study Procedures

District 195's identification system is developed according to the requirement of nondiscrimination as District 195 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 195 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 Randolph Independent School District 195 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:

- 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
- B. the child meets one of the criteria for developmental delay in sub item (1) or the criteria in sub item (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:
    - (a) cognitive development;
    - (b) physical development, including vision and hearing;
    - (c) communication development;

(d) social or emotional development; and

(e) 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 sub item (1) and the criteria in sub item (2). Randolph Independent School District 195 has not elected the option of implementing these criteria for developmental delay.

## **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 45 school days from the date the district receives information about from the parents and parental approval for initial evaluations. Parental permission to conduct the evaluation or the expiration of the 14-calendar day parental response time is needed in cases other than initial evaluation. A conciliation conference or hearing can be requested.

## **C. Transition to 3 to 22 services**

The service coordinator provided for in Minnesota Statutes, section [125A.33](#), must facilitate transition from infant and toddler intervention services before the child's third birthday. A transition meeting will be scheduled at least 30 days before but not more than 90 days before the child's third birthday. The IFSP must include steps to determine and document eligibility for special education, and steps to support the transition of the child to special education under United States Code, title 20, chapter 33, sections 1411 et seq., and Code of Federal Regulations, title 34, part 300, or to other appropriate community-based services that may be available.

## ***Evaluation Procedures***

Randolph Independent School District 195 conducts full and individual initial evaluations 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. Randolph Independent School District 195 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, Randolph Independent School District 195 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 profess 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. Randolph Independent School District 195 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.
- F. Randolph Independent School District 195's plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. District 195's plan for identifying a child with a specific learning disability is attached as Appendix A.

***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, sub item (2).
- C. Each 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. A 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**

Randolph Independent School District 195's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as Appendix E.

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

District 195 provides a full range of educational service alternatives. All students with disabilities are provided the special instruction and services which are appropriate to their needs. The following is representative of Randolph Independent School District 195's method of providing the special education services for the identified pupils, sites available at which service may occur, and instruction and related services are available.

Appropriate program alternatives to meet the special education needs, goals, and objectives of a pupil are determined on an individual basis. Choice of specific program alternatives are based on the pupil's current levels of performance, pupil special education needs, goals, and objectives, and must be written in the IEP. Program alternatives are comprised of 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 (Licensed Special Education and Related service providers Speech Clinician, Social Worker, Occupational Therapist, Paraprofessional et. al.)
- (2) Small Group Services (Licensed Special Education and Related service providers Speech Clinician, Social Worker, Occupational Therapist, et. al.)
- (3) Direct special education instruction in the resource room and the regular elementary and secondary classrooms
- (4) Indirect services to the regular education and other special education staff members
- (5) Direct and Indirect services in the home for Part C 0 to 2 years and Part B Pre-K students.

### **B. Alternative sites available at which services may occur:**

- (1) Community Education Pre-School Program ages 3 to 5, located in the Randolph Elementary School; Speech and Language, Behavioral Support, Related services (Occupational and Physical Therapy) are provided in the setting. All special education services are provided by appropriately licensed special education staff members.
- (2) Community Education Childcare, located in the Randolph Elementary School; Speech and Language, Behavioral Support are provided in the setting. All special education services are provided by appropriately licensed special education staff members.

- (3) The child's home – Speech and Language, Developmental Delay, Vision and Hearing, Occupational and Physical Therapy, other related services. All special education services are provided by appropriately licensed special education staff members.
- (4) District 195 is also a member of Intermediate School District 917. District 195 is able to contract with District 917 for services outside of our districts. These services include programs and placements for Deaf and Hard of Hearing, Developmental and Cognitive Disabilities in the mild to moderate and severe to profound levels of cognitive delay, Emotionally/Behavioral Disorders, Autism, and students with challenging behaviors on an IEP. These programs are located in various schools in the Dakota County areas and in segregated sites. The location of the sites is dependent on the student's disability and the severity of the needs. The site descriptions include segregated and separate school buildings (Cedar School, Alliance School), sites in public malls, and classrooms integrated into member districts school buildings (Pine Bend Elementary, Nicollet Jr. High School, Lakeville High School). District 917 provides a full array of related services and staff members licensed in the student's disability areas. The curriculum is based on the students' Individual Education Plans. It includes functional skill, motor skills, transition skills, academic skills, independent living skills, and other areas. Evaluations and re-evaluations follow IDEA rules and regulations.
- (5) District 195 has also contracted with adjacent districts for alternative site programming in the areas of Early Childhood Special Education. These districts include Districts 192 Farmington, 659 Northfield and 252, Cannon Falls. The programs are located in the districts' elementary, junior high/middle school senior high school sites. The districts have a full array or related services and service providers that are licensed in the student's disability area(s).

C. Available instruction and related services:

- (1) Physical Therapy
- (2) Audiology
- (3) Occupational Therapy
- (4) Vision Services
- (5) Hearing Impaired
- (6) Social Work
- (7) Psychological Services
- (8) Speech and Language
- (9) Licensure areas of Randolph Staff members – Specific Learning Disability, Developmental Cognitive Disability – Mild to Moderate, Autism, Emotional/Behavioral Disorders, Early Childhood Special Education, Speech and Language, Developmental and Adaptive Physical Education, School Social Work, School Psychology

Contracted licensure areas from Intermediate School District 917: Deaf and Hearing Impaired, Vision Impaired, Audiology, Physical Therapy, Occupational Therapy

If the child's educational needs and services cannot be met in the Randolph sites and settings, a site or setting in another school district will be proposed according to special education rules and regulations.

### III. Administration and Management Plan.

Randolph Independent School District 195 utilizes the following administration and management plan to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils:

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

<b>Staff Name and Title</b>	<b>Contact Information (phone/email/ mailing address/office location)</b>	<b>Brief Description of Staff Responsibilities relating to child study procedures and method of providing special education services</b>	<b>Additional Information</b>
Benjamin Fisher Director of Special Education	507-645-7409 ext 206 fisherb@district195.org PO Box 38 Randolph, MN 550665 High School Office	Special Education Director; Oversee all special education staff members and oversee child study procedures and method of providing special education services.	The Elementary and High School Staff are able to contact the Director if the Director is not on site.
Michael Kelley Superintendent of Schools	507-645-7409 ext 204 kelley@m@district195.org PO Box 38 Randolph, MN 550665 Main Office	Superintendent of Schools Over sees all of the school programming including special education.  Over sees all of the high school programming including special education.	
Benjamin Fisher High School Principal	507-645-7409 ext 206 fisherb@district195.org PO Box 38 Randolph, MN 550665 High School Office	Over sees all of the high school programming including special education.  Over sees all of the elementary school programming including special education	
Matt Rutledge Elementary School Principal	507-645-7409 ext 207 rutledgem@district195.org PO Box 38 Randolph, MN 550665		



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	Additional Information

- B. Due Process assurances available to parents: District 195 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 195 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. Randolph Independent School District 195 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, Randolph Independent School District 195 informs parents of other dispute resolution processes, including at least medication 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 Randolph Independent School District 195's Procedure Safeguard Notice(s), attached as Appendix B. .

#### **IV. Operating Procedures of Interagency Committees**

##### **A. Community Transition Interagency Committee:**

- A. Randolph Independent School District 195's Community Transition Interagency Committee is established in cooperation with seven other Dakota County School Districts, Dakota County Social Services, the Department of Vocational Rehabilitation, Mental Health Providers, Post Secondary Employment Providers and Agencies, Parents, and others for youth with disabilities, beginning at grade 9 or age equivalent, and their families.
- B. *Randolph Independent School District 195's* Community Transition Interagency Committee consists of the following School Districts: South St. Paul, #6, Burnsville #191, Farmington #192, Lakeville #194, Randolph #195, Rosemount/Apple Valley/Eagan #196, West St. Paul #197, Inver Grove Heights #199, and Hastings #200. Appendix C lists the other members of the CTIC, Bylaws and schedules.
- (1) Benjamin Fisher  
(*Randolph Independent School District 195 – special education*)
- C. The facilitator of the Community Transition Interagency Committee is Janell Scillman, Dakota County Social Services.
- D. The Community Transition Interagency Committee meets one time per month during the school year.
- E. The Community Transition Interagency Committee's operating procedures are attached as Appendix C, and include the following:
- (1) identification of current services, programs, and funding sources provided within the community for secondary and postsecondary aged youth with disabilities and their families;
  - (2) facilitation of the development of multiagency teams to address present and future transition needs of individual students on their individualized education programs;
  - (3) 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;
  - (4) recommendations of changes or improvements in the community system of transition services;
  - (5) exchange of agency information such as appropriate data, effectiveness students, special projects, exemplary programs, and creative funding of programs; and
  - (6) 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.
- F. The CTIC disseminates the summary to all adult services agencies involved in the planning and the MDE by October 1 of each year. The most current summary is attached as *Appendix C* .

## **B. Interagency Early Intervention Committee**

- A. The Dakota County Interagency Early Intervention Committee is a member of the Region 11 IEIC established in cooperation with seven other Dakota County School Districts, Dakota County Social Services, other counties, private providers and parents in cooperation to serve and identify, children with disabilities from birth to age 5 and their families.
- B. Independent School District 195 is represented on the Region 11 Interagency Early Intervention Committee by the Special Education Director of South St. Paul; Kelley Tetrack:
- C. The facilitator of the Early Intervention Committee is Janell Schillman, Dakota County Social Services.
- D. The Early Intervention Committee meets Quarterly.
- E. The Early Intervention Committee's operating procedures are attached as Appendix F, and include the following:
  - (1) development of public awareness systems designed to 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) reduction of 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) 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 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) (this plan is attached as *Appendix E*); and
  - (9) development of 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 to data classified as not public (this policy is attached at *Appendix F*).

- (10) identification and assistance in removing state and federal barriers to local coordination of services provided to children with disabilities;
- (11) identification of adequate, equitable, and flexible use of funding by local agencies for these services;
- (12) implementation of polices that ensure a comprehensive and coordinated system of all state and local agency services, including multidisciplinary assessment practices, for children with disabilities ages three to 21;
- (13) use of a standardized written plan for providing services to a child with disabilities developed under section 125A.023;
- (14) access the coordinated dispute resolution system and incorporate the guidelines for coordinating services at the local level, consistent with section 125A.023;
- (15) use the evaluation process to measure the success of the local interagency effort in improving the quality and coordination of services to children with disabilities ages three to 21 consistent with section 125A.023;
- (16) development of a transitional plan for children moving from the interagency early childhood intervention system under sections 125A.259 to 125A.48 into the interagency intervention service system under this section;
- (17) coordination of services and facilitation of payment for services from public and private institutions, agencies, and health plan companies; and
- (18) share needed information consistent with state and federal data practices requirements.

- F. 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.
- G. The Early Intervention Committee reviews and comments on the early intervention service of this Total Special Education System Plan for Randolph Independent School District 195, 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 195 has entered in the following joint powers board agreements for eligible children, ages 0 to 21, to establish agency responsibility that assures that coordinated interagency services between Randolph School District 195 and Intermediate School District 917 for special education students involved are coordinated, provided, and paid for, and that payment is facilitated from public and private sources:

Name of Agency	Terms of Agreement	Agreement Termination/ Renewal Date	Comments
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Name of Agency	Terms of Agreement	Agreement Termination/ Renewal Date	Comments
Intermediate School District 917	Joint Powers	In perpetuity, District 195 would have to formally opt out of the agreement.	This has been place since 1986.

## VI. Special Education Advisory Council

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, Randolph Independent School District 195 has a special education advisory council.

The Randolph School District has a Special Education Advisory Council (SEAC) that seeks to provide a partnership between district parents and special education.

The purpose of this council is to learn from and advise the Special Education Department and staff members regarding current issues, program development, and priorities. The membership of the council can include parents, students with a disability, community agencies, and school staff. We strive to have representatives from all areas of disabilities and various age ranges.

The SEAC meets a minimum of 2 times per year in the evenings between 6-8 PM. The meetings will be held in the High School Conference Room at Randolph High School. These meetings are scheduled to be held in November and February. District 195 will have members from the special education staff and the Special Education Director as required members of the SEAC.

Randolph Independent School District 195's Special Education Advisory Council Is not a subgroup of an existing board/council/committee.

The operational procedures of School District 195's Special Education Advisory Council are recorded by the use of minutes.

## VII. Assurances

Code of Federal Regulations, section 300.201: Consistency with State policies. Randolph Independent School District 195, 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: Identification of a Child with a Specific Learning Disability

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

### **A.**

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

the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.

The performance measures used to verify this finding must be representative of the child's curriculum or useful for developing instructional goals and objectives. Documentation is required to verify this finding. Such documentation includes evidence of low achievement from the following sources, when available: cumulative record reviews; class work samples; anecdotal teacher records; statewide and district wide assessments; formal, diagnostic, and informal tests; curriculum-based evaluation results; and results from targeted support programs in general education.

## **B.**

The child has a disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings by behaviors such as inadequate: acquisition of information; organization; planning and sequencing; working memory, including verbal, visual, or spatial; visual and auditory processing; speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks.

## **C.**

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

District 195 does not have the established data and data collection methods to use the Scientific Researched Based Intervention to identify a student with a Specific Learning Disabilities

## **Determination of specific learning disability.**

In order to determine that the criteria for eligibility in subpart 2 are met, documentation must include:

### **A.**

an observation of the child in the child's learning environment, including the regular classroom setting, that documents the child's academic performance and behavior in the areas of difficulty. For a child of less than school age or out of school, a group member must observe the child in an environment appropriate to the child's age. In determining whether a child has a specific learning disability, the parents and the group of qualified professionals, as provided by Code of Federal Regulations, title 34, section 300.308, must:

- (1) use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for a special education evaluation; or
- (2) conduct an observation of academic performance in the regular classroom after the child has been referred for a special education evaluation and appropriate parental consent has been obtained; and
- (3) document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;

**B.** a statement of whether the child has a specific learning disability;

**C.** the group's basis for making the determination, including that:

**(1)**

the child has a disorder, across multiple settings, that impacts one or more of the basic psychological processes described in subpart 1 documented by information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and

**(2)**

the child's underachievement is not primarily the result of visual, hearing, or motor impairment; developmental cognitive disabilities; emotional or behavioral disorders; environmental, cultural, or economic influences; limited English proficiency; or a lack of appropriate instruction in reading or math, verified by:

**(a)**

data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; and

**(b)**

data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents;

**D.**

educationally relevant medical findings, if any;

**E.**

whether the child meets the criteria in subpart 2, either items A, B, and C

## **Verification.**

Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusions.

The district's plan for identifying a child with a specific learning disability consistent with this part must be included with its total special education system (TSES) plan. The district must implement its interventions consistent with that plan. The plan should detail the specific SRBI approach, including timelines for progression through the model; any SRBI that is used, by content area; the parent notification and consent policies for participation in SRBI; procedures for ensuring fidelity of implementation; and a district staff training plan.

## **Appendix B Procedural Safeguard Notice Part B and Part C**



## Part B



### **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.

This Notice of Procedural Safeguards must be given to you 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: \_\_\_Benjamin Fisher\_\_\_\_\_

Phone \_\_\_507-645-7409\_\_\_\_\_

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/IIIP (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 those 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 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.

## **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/IIP 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/IIP 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/IIP 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.

Part C



## **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 understands 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: Benjamin Fisher

Title: Special Education Director

Phone: 507-645-7409 ext. 206

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

ARC Minnesota (advocacy for persons with developmental disabilities)

[www.thearcofminnesota.org](http://www.thearcofminnesota.org)

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

Minnesota Association for Children's Mental Health

[www.macmh.org](http://www.macmh.org)

651-644-7333; 1800-528-4511

Minnesota Disability Law Center  
[www.mndlc.org](http://www.mndlc.org)  
612-332-1441; 1-800-292-4150  
612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights)  
[www.pacer.org](http://www.pacer.org)  
952-838-9000; 1-800-53-PACER  
952-838-0190 (TTY)

Minnesota Department of Education  
[www.education.state.mn.us](http://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:

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;

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;

The district will bill medical assistance or Minnesota Care for the health-related services on your child's IFSP;

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

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](http://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 will 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 prehearing 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 not 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](http://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.

## **APPENDIX C: Dakota County Community Transition Interagency Committee**

### **Dakota County Community Transition Interagency Committee**

# **COMMITTEE BYLAWS**

(Adopted 6/12/02, Re-Adopted 4/10/06, Revised 9/14/09)

## **ARTICLE I**

### **Section 1**

*Authority:* The Dakota County Community Transition Interagency Committee (CTIC) is established in order to fulfill the requirements of Minnesota Statute Chapter 120.17, Subdivision 16. The responsibility for the establishment rests with a District



or group of Districts or a Special Education Cooperative in cooperation with the County or Counties in which the District or Districts are located. The Districts are:

- 1) South St. Paul--District 06
- 2) Burnsville, Eagan, Savage--District 191
- 3) Farmington--District 192
- 4) Lakeville--District 194
- 5) Randolph--District 195
- 6) Rosemount, Apple Valley, Eagan--District 196
- 7) West St. Paul, Mendota Heights, Eagan--District 197
- 8) Inver Grove Heights--District 199
- 9) Hastings--District 200
- 10) Intermediate School District 917
- 11) Bloomington Schools--District 271

The county is: Dakota

## Section 2

*Mission:* The mission of the Dakota County CTIC is to promote effective transition services through community collaboration for youth that will prepare them for adult life.

## Section 3

*Responsibilities:* As specified in Minnesota Statutes, Chapter 120.17, Subdivision 16, the responsibilities of the committee are as follows:

- 1) Identify current services, programs, and funding sources provided within the community for secondary and post-secondary aged youth with disabilities and their families;
- 2) Facilitate the development of multi-agency teams to address present and future transition needs of individual students on their individual education plans;
- 3) Develop a community plan to include mission, goals, and objectives and an implementation plan to assure that transition needs of youth with disabilities are met;
- 4) Recommend changes or improvements in the community system of transition services;
- 5) Exchange agency information such as appropriate data, effectiveness studies, special projects, exemplary programs, and creative funding of programs; and
- 6) Prepare a yearly summary assessing the progress of transition services in the community and disseminate it to all adult service agencies involved in the planning and to the Commissioner of Education by September 1 of each year.

## **ARTICLE II**

## Section 1

*Structure of Membership:* Based on the number of school districts served and the geographical range, a multi-level CTIC is established consisting of:

- 1) A Governing CTIC, whose membership is comprised of administrators, supervisors, managers and others who will have the authority to establish policy and ensure that the responsibilities identified in Article 1 are fulfilled and implemented. The representatives for this governing CTIC will include:
  - a. 2 Directors of Special Education
  - b. 2 County Social Services Supervisors
  - c. 2 Rehabilitation Services Managers
  - d. 2 Parents
  - e. 2 Consumers
  - f. 1 Community Education Coordinator
  - g. 1 Postsecondary Education Coordinator
  - h. 1 Adult Service Provider Supervisor
  - i. 1 Advocacy Agency

Parent and consumer representatives will be appointed by the Dakota County Special Education Directors.

- 2) In order to include additional stakeholders who are critical members of transition planning, local transition subcommittees or task force groups will be established to carry out the goals and responsibilities listed in Article 1 and as directed by the Governing CTIC body. Representatives for these groups will include some or all of the following:
  - a. Support Service Coordinator
  - b. Business and industry representatives
  - c. County social services case managers
  - d. Rehabilitation Services counselor
  - e. Agency and program providers/vendors
  - f. Transportation representatives
  - g. Parents and students
  - h. Advocacy representatives
  - i. General education teachers
  - j. Government representatives

## Section 2

*Term:* Members will notify the committee if they are unable to continue serving on the Governing CTIC and a replacement will be appointed from their respective constituent group. Efforts will be made to provide a two-year rotation of constituent group members as appropriate.

### Section 3

*Communication:* The Governing CTIC members and all sub-committee members agree to communicate with the constituents they represent and will in turn provide feedback to the CTIC committee from those same groups. Communication efforts may include written reports, newsletters, surveys, verbal reports and e-mail.

## **ARTICLE III**

### Section 1

*Meetings:* The Dakota County Governing CTIC shall meet on a regular (or at least quarterly) basis. Work groups and subcommittees will meet as needed or as directed by the Governing CTIC. All meetings will be open to others who have an interest in the CTIC.

### Section 2

*Notification:* Committee members will be notified of all meetings. Members are expected to attend and participate in all meetings. Members who cannot attend a meeting are encouraged to send a representative, who may participate in discussion, but may not vote.

### Section 3

*Voting:* Each member of the Governing CTIC committee will be entitled to one vote on each matter submitted. A simple majority of the membership shall constitute a quorum. A quorum shall be necessary to take action. Decisions are determined by consensus whenever possible or by a vote of a simple majority.

## **ARTICLE IV**

### Section 1

*Officers:* The Dakota County CTIC will have a Chairperson and a Vice-chairperson. The officers will be elected by the members and serve for two years.

### Section 2

*Facilitator:* The Dakota County CTIC will have a facilitator provided by the school districts in collaboration with the County.

### Section 3

*Duties:* The Chairperson will work with the committee to develop the agenda, convene/facilitate the CTIC meetings and assume the role of spokesperson for the CTIC. The Vice-chairperson will assist the Chair when appropriate and preside at the meetings in the absence of the Chair. The Facilitator will prepare the agenda and minutes, maintain membership roster, complete all communications, facilitate in the maintenance of the web site, submit required reports, collect data, assist in development of work plan, assist subcommittees as needed and other duties as assigned.

## **ARTICLE V**

These bylaws may be altered, by a vote of two thirds of the Governing CTIC quorum providing that written notice of the proposed action is provided to all members at least five days in advance of the meeting.

Bylaws approved: 6/12/02

Bylaws re-adopted: 4/10/06

Bylaws revised: 9/14/09

## APPENDIX D Special Education Advisory Committee – No appendix

## APPENDIX E Randolph Independent School District 195's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies, et. al.

All of these types of referrals are forwarded to the District 195 Special Education Director. The elementary and secondary principals are informed about the referrals, a meeting is held involving the appropriate 195 staff to discuss the referral. The parents or legal guardians are then contacted by a designated 195 staff member to discuss further educational planning. The designated staff may be the Director of Special Education, a Principal, or a special education licensed staff member. All Minnesota special education rules and regulations regarding evaluations are to be followed.

## APPENDIX F IEIC Region 11

**OPERATING PROCEDURES**

**Draft**  
1/5/2012

**Region 11 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 11 Help Me Grow IEIC**

**Purpose of the Committee**

The purpose of the Region 11 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 state, 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 or 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 to 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 safeguard process, and community learning systems to recommend, where

## IEIEC Membership Region 11

### MEMBER CATEGORY NAME PROGRAM

Anoka County Parent TBD Parent  
Carver County Parent TBD Parent  
Dakota County Parent Diane Allen Parent  
Hennepin County Parent Andrea Robinson Parent  
Ramsey County Parent Jessica Mattson Parent  
Scott County Parent Jean Kes Parent  
Washington County Parent Christy Helmer Parent  
Anoka County IEIC Cathy Lombard Education  
Carver County IEIC Chris Hansen ECSE  
Dakota County IEIC Janell Schilman Social  
Services/Help Me  
Grow  
Minneapolis IEIC Stephanie Graves MCH  
No. Sub. Ramsey/St. Paul  
IEIC  
Jayne Cox-Lindsey St. Paul/N.  
Suburban Help Me  
Grow  
NW Hennepin County IEIC Diana Huffman NW Hennepin Help  
Me Grow  
Robbinsdale IEIC Jane Auger Hennepin County  
Health Dept.  
Scott County IEIC Sharon DeZeeuw Social Services  
So. Hennepin County IEIC Jean Cady Richfield ECSE  
St. Paul IEIC Laura Shae ECSE  
Washington County IEIC Mary Jo Hei ECSE  
West Suburban IEIC Lori Fildes ECSE  
Health Phyllis Haag St. Paul Ramsey  
County Dept. of  
Public Health and  
Environment  
Human Services Suzanne Levy Ramsey County  
Social Services  
County Board Julie Ring Association of MN  
Counties  
School Board Marilyn Forsberg Spring Lake Park  
School Board &  
MSBA Board of  
Directors  
ECFE Sherry Haaf SPPS ECFE  
Head Start Jacqueline Cross Anoka/Washington  
County Head Start  
Child Care Carol Stromme Resources For Child  
Caring  
School Readiness Nancy Wallace St. Francis Early  
Childhood  
Current Service Provider Jane Gibson Wayzata ECSE

Children's Mental Health Ed Frickson Family Innovations  
Physician Anjali Goel MD Health Partners  
Advocacy Groups Judy Swett PACER  
Biz Kelly The Arc Greater  
Twin Cities