

Discovery Woods School Total Special Education System (TSES)

This document serves as the Total Special Education System Plan for Discovery Woods School 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).

Jennifer Johnson, *Paul Bunyan Special Education Cooperative's* special education director, is responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration. Jennifer Johnson may be reached at jennifer.johnson@isd181.org or 218-454-5504.

Discovery Woods School serves students in grades K-6; special education referral and services required outside of these levels are provided in partnership with the Brainerd Public Schools and Paul Bunyan Education Cooperative (PBEC).

I. Child Study Procedures

The district's identification system is developed according to the requirement of nondiscrimination as Discovery Woods School 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

Discovery Woods School 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 Discovery Woods School 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 subitem (1) or the criteria in subitem (2);
 - 1. the child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay; or
 - 2. the child is experiencing a developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean, as measured by the appropriate diagnostic measures and procedures, in one or more of the following areas:
 - 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 subitem (1) and the criteria in subitem (2). Discovery Woods

School has elected the option of implementing these criteria for developmental delay.

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

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

The Districts' plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. Subp. 2- 4 of Minnesota Rule 3525.1341 states as follows:

Criteria. A child is eligible and in need of special education and related services for a specific learning disability when the child meets the criteria in items A, B, and C or in items A, B, and D. The Districts use criteria in items A, B, and C of the rule when identifying a child with a specific learning disability.

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.

Criteria A, B, and C are as follows:

A. The child does not achieve adequately in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation, or mathematical problem solving, in response to appropriate classroom instruction, and either: (1) the child does not make adequate progress to meet age or state-approved grade-level standards in one or more of the areas listed above when using a process based on the child's response to scientific, research-based intervention (SRBI); or (2) the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.

The performance measures used to verify this finding must be representative of the child's curriculum or useful for developing instructional goals and objectives. Documentation is required to verify this finding. Such documentation includes evidence of low achievement from the following sources, when available: cumulative record reviews; classwork samples; anecdotal teacher records; statewide and districtwide 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.

Determination of specific learning disability. In order to determine that the criteria for eligibility in the above 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 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 Districts recognize students may move in who have been identified as a child with a specific learning disability using Minnesota Rule 3525.1341 Criteria A, B, or D; where A, and B are the same as above and D is:

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

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

used and differs from either state or national data, the group must provide a rationale to explain the difference.

The Districts' plan includes a step to determine if the rate of progress is measured over seven school weeks (12 data points), rate of progress is inadequate, the instructional strategies used were identified and the student-centered data are presented and summarized. The data indicate the child does not make sufficient progress to meet age or to meet State-approved grade-level standards in one or more of the listed achievement areas.

The Districts' plan for identifying a child with a specific learning disability is attached as **Appendix I**.

B. Evaluation

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

- A. A review of the child's current records related to health status and medical history;
- B. an evaluation of the child's levels of cognitive, physical, communication, social or emotional, and adaptive developmental functioning;
- C. an assessment of the unique needs of the child in terms of each of the developmental areas in item B; and
- D. at least one documented, systematic observation in the child's daily routine setting by an appropriate professional or, if observation in the child's daily setting is not possible, the alternative setting must be justified.

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

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

Evaluation Procedures

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

- A. Discovery Woods School 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, Discovery Woods School 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. Discovery Woods School ensures that:
 - 1. tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not be

- discriminatory on a racial or cultural basis, and are provided and administered in the pupil's native language or other mode of communication, unless it is clearly not feasible to do so;
2. materials and procedures used to evaluate a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education and related services, rather than measure the child's English language skills;
 3. any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests;
 4. the child is evaluated in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
 5. evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the pupil are provided;
 6. if an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report;
 7. tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
 8. tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure; and
 9. in evaluating each pupil with a disability, the evaluation is sufficiently comprehensive to identify all of the pupil's special education and related service needs, whether or not commonly linked to the disability category in which the pupil has been classified.
- D. Upon completion of administration of tests and other evaluation materials, the determination of whether the child is a pupil with a disability as defined in Minnesota Statutes, section 125A.02, shall be made by a team of qualified professionals and the parent of the pupil in accordance with item E, and a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.
- E. In making a determination of eligibility under item D, a child shall not be determined to be a pupil with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency, and the child does not otherwise meet eligibility criteria under parts 3525.1325 to 3525.1351.

Additional requirements for evaluations and reevaluations

- A. As part of an initial evaluation, if appropriate, and as part of any reevaluation under this part, or a reinstatement under part 3525.3100, the IEP team and other qualified professionals, as appropriate, shall:
1. review existing evaluation data on the pupil, including evaluations and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation; and
 2. on the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine whether the pupil has a particular category of disability, as described in Minnesota Statutes, section 125A.02, or, in case of a reevaluation of a pupil, whether the pupil continues to have such a disability, the present levels of performance and educational needs of the pupil, whether the pupil needs special education and related services, or in the case of a reevaluation of a pupil, whether the pupil continues to need special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.
- B. The district shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, subitem (2).
- C. 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.

The district must hold a meeting of the individualized education program (IEP) 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. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's IEP or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual IEP meeting when the child's IEP provides for using restrictive procedures in an emergency.

If the IEP team determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child.

At the IEP meeting the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or 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

Discovery Woods School plans for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as **Appendix II**.

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

Discovery Woods School 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 Discovery Woods School'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 may or may not include:

1. One on one instruction
2. Small group instruction
3. Direct Services
4. Indirect Services
5. Co-Teaching
6. Home-Based Services
7. Homebound Instruction
8. Community Based Instruction
9. Any other method approved by the commissioner

B. Sites available at which services may occur:

Discovery Woods School
604 N 7th Street
Brainerd, Minnesota 56401

Alternative sites available at which services may occur:

Area Education Center
311 NE 10th Avenue
Brainerd, Minnesota 56401

Lincoln Education Center
604 S 6th Street
Brainerd, Minnesota 56401

Early Childhood Family Education
311 NE 10th Avenue
Brainerd, Minnesota 56401

Early Childhood Special Education
804 Oak Street
Brainerd, Minnesota 56401

C. Available instruction and related services:

1. Physical Therapy
2. Counseling
3. Academic Instruction
4. Behavior/social skills instruction
5. Transition Services

Jennifer Johnson, Director of Special Education	Paul Bunyan Education Cooperative 804 Oak Street Brainerd, Minnesota 56401 218-545-5504 jennifer.johnson@isd181.org	Staff identified as Director of Special Education work with building administrators, assistant directors of special education, and superintendents to ensure child study procedures, evaluation and determination of eligibility, and development of IEPs are all done in accordance to state and federal requirements. Ensure that staff, resources, and space are sufficient to provide FAPE.	
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B. Due Process assurances available to parents: Discovery Woods School 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. Discovery Woods School 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. Discovery Woods School 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, Discovery Woods School 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 the Minnesota Department of Education Procedure Safeguard Notice, which the districts have chosen to use attached as **Appendix III**.

IV. Operating Procedures of Interagency Committees

Referral for Interagency Services, attached as Appendix IV

A. Community Transition Interagency Committee:

- A. PBEC's Community Transition Interagency Committee is established in cooperation with other districts in cooperation with the county or counties in which the district is located, for youth with disabilities, beginning at grade 9 or age equivalent, and their families.

B. PBEC's Community Transition Interagency Committee consists of the following individuals:

- *Joel Anderson: joel.anderson@isd181.org
(PBEC – Assistant Director of Special Education)
- *Elizabeth Lee: Elizabeth.lee@isd181.org
(PBEC-Assistant Director of Special Education)
- *Kati Reynolds: kati.reynolds@isd181.org
(PBEC – Transition Plus program)
- *Connie Pierzinski: cpierzinski@isd186.org
(Pequot Lakes, special education teacher)
- *Ann Chouinard: achouinard@clcmn.edu
(postsecondary education and training)
- *Andria Belisle: abelisle@clcmn.edu
(postsecondary education and training)
- *Brian Miner: bminer@clcmn.edu
(postsecondary education and training)
- *Sue Sorensen: Sue.Sorensen@isd181.org
(Lincoln Education Center/ occupational skills)
- *Helen Neudecker: helen.neudecker@state.mn.us
(vocational rehabilitation services)
- *Caryn Spreeman: caryn.spreeman@state.mn.us
(vocational rehabilitation services)
- *Barbara Hoff: barbara.hoff@co.crow-wing.mn.us
(county social services)
- *Carol Heuberger: Carol.Heuberger@co.crow-wing.mn.us
(health agency)
- * Kevin Larson: kevinl@paiff.org
(Productive Alternatives/adult service provider)
- *Kathy Sauve: kathy.sauve@lssmn.org
(Lutheran Social Services)
- *Jen Billington: jenb@bluesky.us
(Blue Sky/adult service provider)
- *Judith Kosbau: Judith.Kosbau@ssa.gov
(Social Security)

C. The chair of the Community Transition Interagency Committee is **Ann Chouinard (achouinard@clcmn.edu)**.

D. The Community Transition Interagency Committee meets monthly.

E. The CTIC's operating procedures are attached as **Appendix V**, 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. CTIC disseminates the summary to all adult services agencies involved in the planning and the MDE by October 1 of each year.

The responsibilities of the CTIC are under the umbrella of the school responsibilities. All duties and responsibilities are carried out within the collaborative process with adult services providers, Vocational Rehab Services, County Social Services, and local businesses.

The following is a summary of the Crow Wing County CTIC minutes for 2013-2014

The CTIC met in September, October, November, January, February, April, and June. The focus of the meetings was on the DEI Grant and the trainings/seminars. September 19th Pay Day was held at Central Lakes College. Aaron Cross was the Main Speaker who is a motivational speaker who uses his daily experiences, life long coaching to increase the overall success in a client's personal and employment life. Following Aaron's presentation, there were many vendors who represent programs assisting youth, and small workshops presented on healthy choices, career exploration, employment, education, independent living, safety, assistive technology. 184 students attended the event. On April 12th Check and Connect staff at Central Lakes College hosted a "College for a Day" activity. Students with disabilities from high schools were invited to attend a morning at CLC and experience what it is like to be a college student. Students attended presentations, real classes, and stayed for lunch. 20 students participated in the event. On April 24th at Central Lakes College from 3:30-7:30, as part of the DEI grant, Guideposts for Success was put on. Jayne Spain and Greg Kaiser were presenters along with a resource fair. Attendance at the event for students was very low, at 1 student and their parent. More staff attended. At the June 2014 meeting, another Pay Day Fair was being planned for September 26th, 2014.

B. Interagency Early Intervention Committee

- A. Paul Bunyan Education Cooperative's Interagency Early Intervention Committee is established in cooperation with other districts/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, for children with disabilities under age five and their families. Paul Bunyan Education Cooperative participates in the Region 5 Help Me Grow IEIC.
- B. *PBEC's* Interagency Early Intervention Committee consists of the following individuals:
- Health – 2 representatives-Heidi Briggs, Todd County, Renee Lukason, Cass County
 - Education – 2 representatives among SEAU units- Julie Domino, Paul Bunyan Education Cooperative, Lori Murdock, Freshwater
 - County human services – 2 representatives- Pat Sharbonda, Crow Wing County, Morrison County Representative.
 - County board –School board – Margaret Knebel
 - Early Childhood Family Education programs – 1 representative- Janelle Peters, Little Falls
 - Head Start –1 representative- TCC- Michelle Andringa
 - Parents of young children with disabilities under age 12 - Petra Johnson
 - Child Care Resource and Referral – 1 representative- Denise Mauer
 - School Readiness programs – 1 representative- Janelle Peters, Little Falls
 - Current service providers –1 ECSE teacher-Vicky Spofford
 - May also include representatives from:
 - Private agencies
 - Public agencies- Sue Ewy, Dept. of Health Region 5 Representative
 - School nurses
- C. The chair of the Early Intervention Committee is **Julie Domino**
- D. The Early Intervention Committee meets four times year.
- E. The Early Intervention Committee's operating procedures are attached as **Appendix VII**, 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 VIII**); 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 IX**).
 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 policies 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 *PBEC*, 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

The Brainerd Public Schools has entered into an interagency agreement with the TCC Headstart for eligible children, ages birth to kindergarten, to establish agency responsibility that assures that coordinated interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources.

Each agencies financial responsibility as well as the procedures and policies that identify each agencies responsibility are outlined in the governance agreement.

The agencies agree that if any agency fails to perform any of the duties outlined in the collaborative agreement, either party may terminate this agreement.

Services provided by TCC Headstart are to cultivate lifelong learning for identified children and make referrals for special education evaluations to PBEC Central Intake. PBEC/Brainerd Public Schools services are to accept referrals from TCC Headstart and provide assessments and evaluations to identified children.

There is no payment for services between the two agencies. The agreement is entered into yearly in August and is good for one calendar year, with the above stipulation outlined for termination of agreement.

VI. Special Education Advisory Council

In order to increase the involvement of parents of children with disabilities in district policymaking and decision-making, *PBEC* has a special education parent advisory council.

- A. *PBEC*'s Special Education Parent Advisory Council is established in cooperation with our member districts of Aitkin, Brainerd, Crosby-Ironton, Cross Lake Charter, Discovery Woods, Pequot Lakes, Pillager, Pillager Area Charter, and Pine River.
- B. *PBEC*'s Special Education Advisory Council is not a subgroup of an existing board/council/committee.
- C. *PBEC*'s Special Education Advisory Council consists of the following individuals:
- E. *PBEC*'s Special Education Advisory Council meets one time a year. The SEAC shall determine if and when longer meeting times may be necessary. All meetings are open to the public.
- F. The operational procedures of *PBEC*'s Special Education Advisory Council are attached as **Appendix X**.

G. Discovery Woods School Committee

- 1. Dawn Verdon, Chair
- 2. Emma Needham, Vice Chair
- 3. Kara DeVriendt, Treasurer
- 4. Natalie Morey, Secretary
- 5. Allison Christensen, Member

VII. Assurances

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

Assurances are submitted annually to the Minnesota Department of Education.

Yes: Assurance Given

Appendices

Appendix I: Specific Learning Disability Checklist

Appendix II: Referral Process

Appendix III: Procedural Safeguards

Appendix IV: Referral for Interagency Services

Appendix V: Community Transition Interagency Committee Operating Procedures

Appendix VI: Early Interagency Committee Operating Procedures

Appendix VII: Allocation and expenditure of additional state and federal Early Intervention Funds

Appendix VIII: Student Safeguards

Appendix IX: Special Education Parent Advisory Committee

Student Name: _____ DOB: _____

Building: _____ Reviewer Name: _____

Date of Evaluation Report: _____ Eligible: ___ Yes ___ No

___ Evaluation⇒ (Must meet initial criteria)

___ Reevaluation→ (Must address criteria components)

Information about each item must be sought from the parent and included as part of the evaluation data. The evaluation data must confirm that the disabling effects of the child's disability occur in a variety of settings. The child must receive two interventions prior to evaluation unless the parent requests an evaluation or the team waives the requirement due to urgency. Based on information in the Evaluation Report and the student file, a pupil has a specific learning disability and is in need of special education and related services when the pupil meets the criteria in A, B, and C OR A, B, and D below.

A. Documentation of Inadequate Achievement

The child does not achieve adequately in one or more of the following areas in response to appropriate classroom instruction:

- | | |
|-----------------------------|----------------------------------|
| ___ Oral Expression | ___ Reading Comprehension |
| ___ Listening Comprehension | ___ Reading Fluency |
| ___ Written Expression | ___ Mathematics Calculation |
| ___ Basic Reading Skills | ___ Mathematical Problem Solving |

AND

___ The child does not make adequate progress to meet age or state-approved grade-level standards in one or more of the areas listed above when using a process based on the child's response to scientific, research-based intervention;

OR

___ 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 (SLD).

AND

_____ Documentation to support this finding must be both representative of the pupil's curriculum and useful for developing instructional goals and objectives. 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
- _____ Results from targeted support programs in general education
- _____ Curriculum based evaluation results

B. Information Processing

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 setting 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
- _____ Motor control for written tasks (pencil and paper assignments, drawing, and copying)
- _____ Other: _____

C. Severe Discrepancy

The child demonstrates a severe discrepancy between general intellectual ability and achievement in at least one of the identified areas of achievement. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The instruments used to assess the child's general

Specific Learning Disability

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 on a distribution of regression scores for the general population at the student's chronological age.

General Intellectual Ability Assessment Measure: _____

Overall Composite Score: _____ Regression Score: _____

Achievement Measure: _____

Cluster Area	Composite Score
Oral Expression	_____
Listening Comprehension	_____
Written Expression	_____
Basic Reading Skills	_____
Reading Fluency Skills	_____
Reading Comprehension	_____
Mathematical Calculation	_____
Mathematical Problem Solving	_____

D. Inadequate rate of progress in response to scientific research-based intervention (SRBI)

The child demonstrates an inadequate rate of progress in response to intensive SBRI and the following components are documented:

- _____ Rate of progress is measured over at least 7 school weeks on a minimum of 12 data points;
- _____ Rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
- _____ Progress will likely not be maintained when instructional supports are removed;
- _____ Level of performance in repeated assessment of achievement falls below the child's age or state-approved grade-level standards; and
- _____ Level of achievement is at or below the 5th percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data, but if it differs from either state or national data, the group must provide a rationale to explain the difference.

Review of Eligibility Determination

To determine compliance with eligibility determination, one of the following **MUST** be checked.

The documentation supports the team decision.

The documentation does not support the team decision.

Appendix II Referral Process

PBEC member districts use the following referral process for students between the ages 3-5:

A referral for an evaluation for children ages 3-5 may be made by anyone who may have a concern regarding a child's development.

The Individual taking the referral:

A referral for evaluation is made to a central intake person.

- A. The intake person obtains the parent's name, address, phone number, and concerns regarding the child's development.
- B. An ECSE 3-5 staff member is assigned to be the evaluation case manager and primary contact with the family throughout the process.
- C. The evaluation case manager contacts the family and schedules a time to meet to complete the [Referral/Follow-up Consultation Form](#), [ECSE Observation Form](#), review screening or other data provided by the parents, and to discuss the development of an evaluation plan.
- D. If the team determines that an evaluation is needed, the evaluation case manager develops an evaluation plan. The proposed evaluation plan along with Prior Written Notice is presented to the parent.
- E. The ECSE 3-5 team follows all Part B due process requirements for evaluation, eligibility determination, and if indicated, proposal of IEP.

Districts use the following referral process for students between the ages of 5 and 21:

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

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

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

2. Information is gathered on the student using the [Learner Performance Review Form](#); and
3. At least two prereferral interventions are conducted and results are documented.

*There are situations when a student's special education evaluation team may waive the prereferral intervention requirements. This may include a student who enters the district with a documented history of blindness, deafness, cognitive delay, paraplegia, autism, traumatic brain injury, or a student whose disability is well documented or has had an IEP in the last 12 months. Parents may also request an evaluation. The district is obligated to conduct the evaluation whenever the district is unable to convince the parent(s) to consider other interventions before proceeding to evaluation.

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

The team should consist of the following personnel whenever feasible:

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

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

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

Documentation

- **ECSE District Profile (filed in individual districts)**
- **Policies and Procedures to Reach each Unique Primary Referral Service (filed in county Help Me Grow (HMG) Committee documents)**
- **Brochures Provided to Outside Agencies and Medical Professionals (filed in county Help Me Grow (HMG) Committee documents)**
- **Referral/Follow-up/Consultation Form**
- **Early Intervention Contact Log**
- **Information Letter to Parent for Home Based Services**
- **Referral Team Cover Letter to Parents**
- **Parent Packet:**
 - **Early Childhood Interagency Central Referral Process Diagram**
 - **Referral Process Description**
 - **Referral Team Consent for the Release and Exchange of Information**
 - **Child/Family Medical/Developmental History**
 - **ECSE Immunization Record**
 - **ECSE Immunization Record Instructions**
 - **Family Thoughts: Family Considerations and Concerns**
- **ECSE Observation Form**
- **Notice of Procedural Safeguards Brochure**
- **Infant and Toddler Intervention Procedural Safeguards Notice**
- **Referral Team Referral Follow-up Letter**
- **Referral Procedures for Special Education Evaluation: Public School Students**
- **Referral Procedures for Special Education Evaluation: Nonpublic School Students**
- **Nonpublic School Parent Referral Form**
- **Procedural Safeguards for Nonpublic Special Education Students**
- **Example: Learner Performance Review Form**
- **What is Special Education Brochure**

Referral/Follow Up Consultation Form

Please attach any health history and screening information on this child (ASQ, ASQ-SE, MPSI-R, ESI-R, etc.)

Date	Parent Aware of Referral	Yes	No
Child	DOB	M	F
Father			
Mother			
Phone: Home	Work	Cell	
Address			
Foster Parent	Guardian		
Hearing Status	OK	Date	Problem Suspected
Vision Status	OK	Date	Problem Suspected

REASON(S) FOR REFERRAL TO EARLY INTERVENTION

Identified condition or diagnosis

Suspected developmental delay or concern

Motor/Physical Cognitive Social/Emotional Speech/Language Behavior Mental Health

At Risk: Other (Please describe):

Additional Comments:

Person Making Referral:

Agency:

Address:

Phone:

E-mail:

RESULTS OF THIS REFERRAL. RETURN TO REFERRAL SOURCE

Family Contacted

Problem Identified

Further Referral Made

Child Does Not Qualify

Services Being Provided to Child/Family:

Comments

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Appendix III

Due Process Procedures and Parental Involvement Considerations

Due process procedures refer to the rights and procedural safeguards afforded parents and children/students with disabilities under federal and state law. Districts must insure that parents of children/students with disabilities are provided the opportunity to be involved in all aspects of the development, planning, acquisition and implementation of special education and related services specific to the student. This includes providing for a surrogate if appointed to represent the student whenever natural parent(s) cannot be located or parental rights have been terminated by the courts (see: Guidelines Regarding Appointment and Training of Surrogate Parents).

If, in the identification, evaluation, educational placement or provision of FAPE to a child, a district and parent(s) disagree, disputes regarding identification, evaluation, educational placement, manifestation determination, interim alternative education placement, or the provision of FAPE, will be resolved through the use of conciliation, mediation, facilitated team meetings or another alternative process. Districts must provide at least one opportunity to meet with district staff for a conciliation conference. Following a conciliation conference, district staff will provide a conference memorandum describing the district's final proposed offer of services.

Districts will handle student information in the manner specified in Chapter 14, Governance Standards (see Data Privacy and Confidentiality in chapter 14).

District staff will provide written notice to parents of a child with a disability before the district proposed to:

- A. Initiate or change the identification, evaluation or education placement of a student or the provision of FAPE; or
- B. Refuses to initiate or change the identification, evaluation or educational placement of a student or a provision of FAPE. The notice will 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 action;
 - 3. a description of each evaluation procedure, assessment, record or report the district used as a basis for the proposed or refused action;
 - 4. a statement that the parents of the child with a disability have protection under the procedural safeguards and if the notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguard can be obtained;
 - 5. sources for parent to contact to obtain assistance in understanding these provisions;
 - 6. a description of other options the IEP team considered and reasons why these options were rejected; and
 - 7. a description of other factors that are relevant to the proposal or refusal.

Written Prior Notice will be written in language understandable to the general public and will be provided in the native language of the parents when feasible. If the native language or other mode of communication of the parent is not written, the districts will take steps to ensure the notice is translated orally or by other means to ensure the parent understands the notice and there is evidence the requirement was met.

A copy of the State of Minnesota's Procedural Safeguards will be provided to parents:

***upon initial referral or request for evaluation;**

***upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;**

- *in accordance with discipline procedures; and
- *upon request of a parent.

The procedural safeguards provided to parents as shown above will include a full explanation of all of the federal safeguards relating to:

- *Independent educational evaluations
- *Prior Written Notice
- *Parental consent
- *Access to educational records
- *Opportunity of parent to resolve complaints through the due process complaint system and state complaint procedures
- *Availability of mediation
- *Child placement during pendency of a due process complaint
- *Procedures for students who are subject to placement in an interim alternative educational setting
- *Requirements for unilateral placement by parents of children in private school at public expense
- *Hearing on due process complaints, including requirements for disclosure of evaluation results and recommendations
- *State level appeals
- *Civil actions, including the time period in which to file those actions
- *Attorneys fees

A copy of the procedural safeguards notice follows, and is also on the Paul Bunyan website: pbcoop.org

Parents of a child with a disability will be afforded the opportunity to participate in meetings with respect to the identification, evaluation and educational placement of their child or the provision of FAPE. Districts will take steps to ensure that one or both parents of a child with a disability are present at each team meeting or are afforded the opportunity to participate by:

- A. Notifying the parent(s) of a meeting early enough to ensure the parent(s) will have an opportunity to attend; and
- B. Scheduling the meeting at a mutually agreeable time and place.

Districts will not consider informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of services provisions as a meeting requiring parent participation. Formal meetings also do not include preparatory activities to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Districts will ensure that a parent of a child with disabilities is a member of any group that makes decisions regarding educational placement of their child. If neither parent can participate, districts will use other methods to ensure participation, including individual conference, telephone calls or video conferencing. If placement is made without parent involvement, districts will provide evidence of attempts to ensure parent involvement.

Districts require the following membership on all IEP team meetings related to a child with a disability:

- A. parent of the child
- B. other individuals who have knowledge or special expertise regarding the child, including related services personnel
- C. the child's regular education teacher or a regular classroom teacher qualified to teach a child his/her age; and
- D. at least one person qualified to conduct an individual diagnostic examination of the child.

Dispute Resolution

Districts work to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education (FAPE) to a student 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. These options will not be used to deny or delay the parent's right to a due process hearing. All dispute resolution processes under this section are provided at no cost to the parent.

Alternative Dispute Resolution

In addition to offering at least one conciliation conference, districts will inform parent(s) of other dispute resolution processes, including mediation and facilitated IEP team meetings.

Conciliation conference

Conciliation is a voluntary process by which the parents and a representative of the district with authority to resolve disputes, discusses specific issues without involving an outside third party. A parent must have 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 notice. A district must hold a conciliation conference with 10 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 the 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 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 proceedings (See Conciliation Conference).

Type of conflict best resolved:

Questions of opinion related to the identification, evaluation, placement, manifestation determination, interim placement or the provision of free appropriate public education (FAPE) for a child with a disability.

How long does the process take?

*If you cannot come to a resolution in one or two meetings, you may wish to try mediation.

Who makes the decision?

*The district and the parent(s)

Who pays for the process?

*The school district. If the school district or the parents choose to engage legal representation, each will be responsible for their own legal costs.

Things district/parent can do to help the process work:

*Come to the conciliation ready to share concerns and objections to the district's proposed action or denial.

*Address the specific issues raised.

*Focus on the needs of the student.

For Part C, Infants and Toddlers with a Disability and their Families

Conciliation can be used between the school district and the family. The district should provide parent(s) with an opportunity to meet with appropriate district staff in at least one conciliation conference if the parent(s) objects to any proposal for which the parent(s) receives notice. Following a conciliation conference, the district will prepare and provide to the parent(s) a conciliation conference memorandum that describes the district's final proposed offer of service.

Mediation

Mediation is a dispute resolution process that involves a neutral party provided by the state to assist a parent and a district in resolving disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education (FAPE) to a child with a disability. The mediation process is available as an informal alternative to a due process hearing but must not be used to deny or postpone the opportunity of a parent or district to obtain a due process hearing. Mediation is voluntary for all

parties. All mediation discussions are confidential and inadmissible as evidence in any subsequent proceeding, unless the:

1. parties expressly agree otherwise;
2. evidence is otherwise available; or
3. evidence is offered to prove bias or prejudice of a witness.

If the parties 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 the parties and each party is given a copy of the document. The written resolution or agreement shall state that all discussions that occurred during the mediation are confidential and may not be used as evidence in any hearing or civil proceeding. The resolution or agreement is legally binding upon the parties and is enforceable in the state or federal district court. A party may request another mediation to resolve a dispute over implementing the mediated agreement.

Type of conflict best resolved:

*Questions of opinion related to the identification, evaluation, placement, manifestation determination, interim placement or the provision of free appropriate public education (FAPE) for a child with a disability.

How long does the process take?

*Usually three to four weeks.

Who makes the decision?

*The district and the parent(s).

Who pays for the process?

*Minnesota Department of Education (MDE). If the school district or the parents choose to engage legal representation, each will be responsible for their own legal costs.

Things district/parent can do to help the process work:

- *Come to the mediation ready to share concerns
- *Keep it non-adversarial
- *Keep in mind you are establishing and maintaining a long-term working relationship
- *Focus on the needs of the student

For Part C, Infants and Toddlers with a Disability and their Families

Mediation can be used by the family and/or an agency providing services, as well as among the agencies themselves, to resolve disputes. Mediation for this age group must take place within 20 calendar days from the date the request is received.

Facilitated IEP

A facilitated IEP is a voluntary IEP/IFSP/IIP meeting moderated by an impartial state-provided facilitator to promote effectual communication, address conflicts as they arise and assist the team in developing an IEP/IFSP/IIP.

Type of conflict best resolved:

*Questions of opinion related to the identification, evaluation, placement, manifestation determination, interim placement or the provision of free appropriate public education (FAPE) for a child with a disability.

How long does the process take?

*If you cannot come to a resolution in one or two meetings, you may wish to try mediation.

Who makes the decision?

*The district and the parent(s).

Who pays for the process?

*Minnesota Department of Education (MDE). If the school district or the parents choose to engage legal representation, each will be responsible for their own legal costs.

Things district/parent can do to help the process work:

- *Come to the facilitated meeting ready to share concerns and objections related to the district's proposed action or denial
- *Keep it non-adversarial
- *Address the specific issues raised
- *Focus on the needs of the student

Due Process Hearing

A due process hearing uses a hearing officer (HO) who will listen to the parent's and the district's side of a disagreement and will make a decision based on the student's best interest in keeping with the law. The hearing officer's decision is final unless it is appealed in the Minnesota Court of Appeals or in the Federal District Court within 60 calendar days of receiving the hearing officer's decision.

A parent or a district is entitled to an impartial due process hearing conducted by the state regarding a proposal or refusal to initiate or change the evaluation, individualized education program or educational placement or the provision of a free appropriate public education (FAPE) to a child with a disability. The hearing must be held in the district responsible for ensuring that a free appropriate public education (FAPE) is provided according to state and federal law.

Type of conflict best resolved:

*Questions related to the identification, evaluation, placement, or the provision of free appropriate public education (FAPE) for a child with a disability.

How long does the process take?

*45 days from request to final decision

Who makes the decision?

*An independent hearing officer

Who pays for the process?

*The school district. If the school district or the parents choose to engage legal representation, each will be responsible for their own legal costs, unless the parent(s)' prevails. In this case, the district would be responsible for parent(s)' legal costs.

Things district/parents can do to help the process work:

- *Specify and limit issues as much as possible
- *Properly prepare the substantive evidence you want the hearing officer to consider
- *Know the hearing procedures and procedural rights

For Part C, Infants and Toddlers with a Disability and their Families

- In Part C, hearing officers make decisions over any early intervention service provided by or

A due process complaint must allege a violation that occurred not more than two years before the date of the alleged violation regarding identification, evaluation or educational placement of a student with a disability, or the provision of FAPE, unless the parent(s) was prevented from filing a due process complaint, the district misrepresented the resolution or withheld information from the parent. Parents will be informed of free or low cost services if the parent(s) requests the information or when a due process complaint is filed.

The written complaint must include:

1. The name of the child;
2. The address of the residence of the child;
3. The name of the school the child is attending;
4. In the case of a homeless child or youth, the available contact information for the child and the name of the school the child is attending;
5. A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to the party at the time.

The due process complaint will be deemed sufficient unless the party receiving the due process complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process complaint, that the receiving party believes the due process complaint does not meet the requirements. Within five days of receipt of notification of the request for a hearing, the hearing officer will make a determination on the face of the due process complaint of whether the due process complaint meets the requirements, and will immediately notify the parties in writing of that determination. A party may amend its due process complaint only if:

*The other party consents in writing to the amendment and is given the opportunity to resolve the due process complaint through a resolution meeting; or

*The hearing officer grants permission, (the hearing officer may only grant permission to amend at any time not later than five days before the due process hearing);

If a party files an amended due process complaint, the timelines for the resolution meeting and the time period to resolve begin again with the filing of the amended due process complaint.

The party receiving a request for a hearing shall send to the party requesting the hearing a written response that addresses the issue raised in the hearing request within ten days of receiving the request.

Prior written notice should be sent to the parent regarding the subject matter contained in the parent's due process complaint if the district has not previously sent a written notice regarding the subject matter of the hearing request. Within 10 days of receiving the due process complaint, the district should send to the parent a response that includes:

*A description of the action;

*An explanation of why the district proposed or refused to take the action raised in the due process complaint;

*A description of other options that the IEP team considered and the reasons why those options were rejected;

*A description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action;

*A description of any other factors that are relevant to the district's proposal or refusal.

A parent or school district on filing a request for a hearing must provide the request to the other party and a copy of the request to the Department of Education. Upon receiving the request for a hearing, the department shall give the child's parents a copy of the procedural safeguards notice.

A hearing may not occur until the party requesting the hearing files a request that meets the requirements of the law. The request is considered sufficient unless the party receiving the request notifies the hearing officer and the other party in writing within 15 days of receiving the request that the receiving party believes the request does not meet the requirements of the law. Within five days of receiving the notice, the hearing officer shall determine whether the request meets the requirements of the law and must notify the parties.

The party receiving the request for a hearing must send the party requesting a hearing a written response the addresses the issues raised in the hearing request within 10 days of receiving the request.

Resolution Meeting

Within 15 days of receiving notice of the parent's due process complaint and prior to the initiation of a due process hearing, the district will convene a meeting with the parent and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint. The IEP team will include a representative of the district who has decision-making authority on behalf of that district and will not include an attorney of the district unless the parent is accompanied by an attorney.

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

The district resolution meeting does not need to be held if the parent and the district agree in writing to waive the meeting or the parent and the district agree to use the mediation process.

The parent and the district representative will determine who the relevant IEP team members are that should attend the meeting. If the district has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing will occur. The timeline for issuing a final decision begins at the expiration of this 30-day period.

Except where the parties have jointly agreed to waive the resolution process or to use mediation, the failure of the parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district will at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint. If the district fails to hold the resolution meeting within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline.

The 45-day timeline for the due process hearing starts the day after one of the following events:

- *Both parties agree in writing to waive the resolution meeting;
- *After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;
- *If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process.

If a resolution to the dispute is reached at the resolution meeting the parties must execute a legally binding agreement that is:

- *Signed by the parent and a representative of the district who has the authority to bind the district; and
- *Is enforceable in any State court of competent jurisdiction or in a District Court of the United States, or, by the State Education Agency, if the State has other mechanisms or procedures that permit parties to seek enforcement of resolution agreements.
- *If the parties execute an agreement, a party may void the agreement within three business days of the agreement's execution.

Due Process Hearing

Who is responsible for Conducting a Hearing?

The resident district is responsible for resolving disagreements between the student's parents and the district, including conciliation and due process hearings when the placement has been made by the resident district. If the providing district, agency, or academy receives a request for a conciliation conference, mediation, or due process hearing from the parent, the providing district, agency, or academy must notify the resident district of the parent's request within one school day.

No resident of a district who is eligible for special instruction and services will be denied instruction and service on a shared time basis because of attending a nonpublic school. If a resident student with a disability attends a nonpublic

school located within the district of residence, the district will provide necessary transportation for that student within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident student with a disability attends a nonpublic school located in another district and if no agreement exists for providing special instruction and services on a shared time basis to that student by the district of attendance and where the special instruction and services are provided within the district of residence, the district of residence will provide necessary transportation for that student between the boundary of the district of residence and the educational facility. The district of residence may provide necessary transportation for that student between its boundary and the nonpublic school attended, but the nonpublic school must pay the cost of transportation provided outside the district boundary.

Additional Rights and Obligations Related to a Hearing

***Counsel, Evidence, and Witnesses**

Any party to a hearing or an appeal conducted has the right to:

*Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.

*Present evidence and confront, cross-examine, and compel the attendance of witnesses;

*Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing.

*At least five business days prior to a hearing, each party must disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

*A parent must have an 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 notice. Following a conciliation conference, the district will prepare and provide to the parent a conciliation conference memorandum that describes the district's final proposed offer of services. This memorandum is admissible in evidence in any subsequent proceeding.

In addition to offering at least one conciliation conference, a district will inform a parent of other dispute resolution processes, including mediation and facilitated IEP team meetings. The fact that an alternative dispute resolution process was used is admissible as evidence at any subsequent proceeding.

If the parties 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 the parties and each party is given a copy of the document. The written resolution or agreement shall state that all discussions that occurred during the mediation are confidential and may not be used as evidence in any hearing or civil proceeding. The resolution or agreement is legally binding upon the parties and is enforceable in the state or federal district court. A party may request another mediation to resolve a dispute over implementing the mediated agreement.

Hearing Records and Decisions

The party requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process complaint filed unless the other party agrees otherwise.

Any party to a hearing or appeal has the right to:

*Obtain a written, or, at the option of the parent, electronic, verbatim record of the hearing; and

*Obtain written, or at the option of the parents, electronic findings of fact and decisions.

*A decision must be made not later than 45 days after the expiration of the 30-day period.

Burden of Proof

*The burden of proof in a due process hearing is on the party who is seeking the relief.

Parents – Specific Rights

Parents involved in hearings must be given the right to:

- *Have the child who is the subject of the hearing present;
- *Open the hearing to the public; and
- *Have the record of the hearing and the findings of fact and decisions provided at no cost to the parents.
- *Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved.

Stay Put

Except during the pendency of any administrative or judicial proceeding regarding a due process notice requesting a due process hearing, unless the State or school district and the parents of the student agree otherwise, the student involved in the complaint must remain in his or her current educational placement. If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings. If the complaint involves an application for initial services for a student who is transitioning from Part C and is no longer eligible for Part C services because the student has turned three, the district is not required to provide the Part C services that the student had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services, then the district will provide those special education and related services that are not in dispute between the parent and the public agency.

If the hearing officer in a due process hearing agrees with the student's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and the parents.

When an appeal has been made by either the parent or the district, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified whichever occurs first, unless the parent and the state agency or district agrees otherwise.

Prehearing Conference

A prehearing conference must be held within five business days of the date the Commissioner appoints the hearing officer. The hearing officer must initiate the prehearing conference which may be conducted in person, at a location within the district, or by telephone. The hearing officer must create a written verbatim record of the prehearing conference which is available to either party upon request. At the prehearing conference, the hearing officer must:

- *Identify the questions that must be answered to resolve the dispute and eliminate claims and complaints that are without merit;
- *Set a scheduled 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 schedule and procedure for doing so; and
- *Establish the management, control, and location of the hearing to ensure its fair, efficient, and effective disposition.
- *A hearing officer may bar any party that fails to comply with the requirements from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- *If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

The hearing officer's decision must:

- *Be in writing;
- *State the controlling and material facts upon which the decision is made in order to apprise the reader of the basis and reason for the decision; and
- *Be based on local standards, state statute, the rules of the Commissioner, and federal law.

A district is not liable for harmless technical violations of this section or rules implementing this section if the school district can demonstrate on a case-by-case basis that the violations did not harm the student's educational progress or the parent or guardian's right to notice, participation, or due process.

The portion of a hearing officer's decision granting relief requested by the parent must be implemented upon issuance

unless the district and parent agree otherwise.

The Commissioner must monitor final hearing officer decisions and ensure enforcement of hearing officer orders.

The hearing officer may require the resident school district to provide compensatory educational services to the student if the hearing officer finds that the school district has not offered or made available to the student a free appropriate public education (FAPE) in the student's educational program and that the student has suffered a loss of educational benefit. Such services shall take the form of direct and indirect special education and related services designed to address any loss of educational benefit that may have occurred. The hearing officer's finding shall be based on a present determination of whether the child has suffered a loss of educational benefit.

The hearing officer must issue a decision within 45 days of the date on which the Commissioner receives the request for a due process hearing. A 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. Once the hearing officer issues a final decision, the hearing officer lacks the authority to amend the decision except for clerical or mathematical errors.

Appeals

The parent or district may seek review of the hearing officer's decision in the Minnesota Court of Appeals or in the Federal District Court. A party must appeal to the Minnesota Court of Appeals within 60 days of receiving the hearing officer's decision or must appeal to the federal district court within 90 days of receiving the hearing officer's decision.

Expedited Due Process Hearings

A parent or a school district may file a written request for an expedited due process hearing. A hearing officer may hold an expedited due process hearing within 20 school days of the date the expedited due process request is filed and must issue a decision within ten school days after the hearing. A resolution meeting must occur within seven days of receiving the request for an expedited due process hearing unless the parent and the school district agree in writing either to 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 expedited due process hearing request.

When Attorney Fees are Awarded

In any action or proceeding, the court, in its discretion, may award reasonable attorney's fees as part of the costs to:

- *The prevailing party who is the parent of a student with a disability;
- *To a prevailing party who is a district against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or
- *To a prevailing district against the attorney or a parent, or against the parent, if the parent's request for a due process hearing or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

When Attorney Fees Are Not Awarded

Attorney fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent if the offer is made within the time prescribed. In the case of an administrative proceeding, attorney fees may not be awarded at any time more than 10 days before the proceeding begins; the offer is not accepted within 10 days; and the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

Attorney fees may not be awarded relating to any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for mediation.

When Attorney Fees Are Reduced

The court will reduce, accordingly, the amount of the attorney's fees awarded if the court finds that:

1. The parent, or the parent's attorney, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonable comparable skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing the parent did not provide to the district the appropriate information in the due process request notice in accordance.

This provision does not apply if the court finds that the school district unreasonably protracted the final resolution of the proceeding or there was a violation of the Individuals with Disabilities Education Act (IDEA).

Interagency Dispute Procedures (Birth – 3 programs)

A dispute between a school board and a county board that is responsible for implementing the provisions of early childhood special education B-3 programs, regarding early identification, child and family assessment, service coordination, and IFSP development and implementation must be resolved according to Minnesota Statute when the dispute involves services provided to children and families eligible under the Individuals with Disabilities Education Act (IDEA).

A dispute occurs when the school board and county board are unable to agree as to who is responsible to coordinate, provide, pay for, or facilitate payment for services from public and private sources.

Written and signed disputes must be filed with the local primary agency.

The local primary agency must attempt to resolve the matter with the involved school board and county board and may request mediation from the Commissioner of the state lead agency for this purpose.

When interagency disputes have not been resolved within 30 calendar days, the local primary agency must request the Commissioner of the state lead agency to review the matter with the Commissioner of Health and Human Services and make a decision. The Commissioner must provide a consistent process for reviewing those procedures. The Commissioner's decision is binding subject to the right of an aggrieved party to appeal to the State Court of Appeals.

The local primary agency must ensure that eligible children and their families receive early intervention services during resolution of a dispute. While a local dispute is pending, the local primary agency must either assign financial responsibility to an agency or pay for the service from the early intervention account. If in resolving the dispute, it is determined that the assignment of financial responsibility was inappropriate, the responsibility for payment must be reassigned to the appropriate agency and the responsible agency must make arrangements for reimbursing any expenditures incurred by the agency originally assigned financial responsibility.

A parent may resolve a dispute regarding issues for Infants & Toddlers through mediation. If the parent chooses mediation, all public agencies involved in the dispute must participate in the mediation process. The parent and the public agencies must complete the mediation process within 30 calendar days of the date the Office of Dispute Resolution receives a parent's written request for mediation. The mediation process may not be used to delay a parent's right to a due process hearing. The resolution of the mediation is not binding on any party. Resolution of a dispute through mediation, or other form of alternative dispute resolution, is not limited to formal disputes arising from the objection of a parent or guardian and is not limited to the period following a request for a due process hearing. The Commissioner shall provide training and resources to school districts to facilitate early identification of disputes and access to mediation.

State Complaint Procedures

Authority: Individuals with Disabilities Education Act (IDEA)

Definition: A complaint is a signed, written allegation that a public agency (usually a public school district) has violated a requirement of state or federal law or rule pertaining to the Individuals with Disabilities Education Act (IDEA).

Type of conflict best resolved:

*Questions of law, such as: IEP implementation, length of time for evaluations, parental notice, etc.

How long does the process take?

*Up to 60 days

Who makes the decision?

*Minnesota Department of Education (MDE)

Who pays for the process?

*Minnesota Department of Education (MDE). If the school district or the parents choose to engage legal representation, each will be responsible for their own legal costs.

Things parents can do to help the process work:

- *Outline specifics of the allegation.
- *Submit written data and explain how it supports the allegation(s).
- *Be able to articulate a preferred outcome.

For Part C, Infants and Toddlers with a Disability and their Families

*In carrying out the above points, MDE coordinates with the Minnesota Department of Health and Human Services to resolve complaints related to early intervention services.

*The alleged violation must have occurred within the past year, unless a longer period is reasonable because of a continuing violation. A complaint may also be investigated if the alleged violation occurred up to three years prior or if compensatory services would likely result if the allegations are substantiated.

When May a Complaint be Filed?

*A complaint may be filed whenever anyone believes that a school district has violated a provision of state or federal special education law or rule. Parents or other persons may contact a complaint investigator if they are unsure whether or not their concerns meet the requirements.

How are Disputes Involving Infants and Toddlers with a Disability and Their Families Resolved:

*Complaints related to services for children ages birth to three are also resolved through the Special Education Complaint System. The Minnesota Department of Education (MDE) will consult with the Minnesota Department of Health and Human Services to review and resolve written complaints when necessary.

*Written complaints involving children up to age three can be filed by anyone who feels that a federal law or regulation, state statute, or rule governing early intervention has been violated.

Procedures for Filing a Complaint:

A complaint may be filed by an individual or an organization. The complaint must be in writing and it must be signed. It must include a statement that the district has violated a requirement of state or federal special education law or rule and the facts on which the statement is based. Complaints should be sent to: *Minnesota Department of Education, Division of Monitoring and Assistance, 1500 Highway 36 West, Roseville, MN 55113-4266.*

The complaint must include:

- *A statement that a public agency has violated a requirement of IDEA;
- *The facts on which the statement is based;
- *The signature and contact information for the complainant; and

If alleging violations with respect to a specific child –

- *the name and address of the residence of the child;
- *the name of the school the child is attending;

In the case of a homeless child or youth –

- *available contact information for the child;
- *the name of the school the child is attending;
- *A description of the nature of the problem of the child, including facts relating to the problem; and
- *A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

The party filing the complaint must forward a copy of the complaint to the school district serving the student at the same time the party files the complaint with the state agency. A complaint may be filed regarding an issue that arose within the past year. A longer period may be reasonable, as determined by MDE on a case by case basis, if the complainant is seeking compensatory education for an alleged violation occurring within the past three years, or if an alleged violation is continuing. Attorney's fees are not recoverable for work done on a complaint. If a hearing officer has already decided issues raised in a complaint, the hearing decision is binding. A complaint investigation will not proceed on any issues that are also pending before a hearing officer. If a complainant or district is not satisfied with a complaint decision, they may appeal the decision to the Minnesota Court of Appeals within 60 days.

Once the complaint is received by MDE, it is assigned to a complaint investigator in the Division of Monitoring & Assistance (DMA). The investigator reviews the complaint and determines:

- *the issues in question;
- *if MDE has jurisdiction over the complaint; and
- *the federal or state statutes or rules that may have been violated.

A sixty (60) calendar day timeline for resolution begins on the day the complaint is received or clarified, when necessary, with the complainant.

After the Complaint is Received, MDE Takes the Following Action:

1. A written statement documenting the receipt of the complaint will be sent to the complainant.
2. A written statement of the complaint issues, including the apparent applicable laws or rules which are alleged to have been violated, will be sent to the district superintendent, the complainant and the director of special education. A courtesy call will be made to the director if time permits.
3. The complaint investigator determines whether the investigation will consist of phone contact, requests for submission of written documents, an on-site review, interviews, consultation with educational specialists, and any other measures which will allow for successful resolution of the complaint.
4. If other complainable issues arise during the course of the investigation, the parties will be notified in writing and the district will be afforded an opportunity to respond under the timelines determined by the complaint investigator. The complaint investigator may add the new issue(s) to the existing complaint or may choose to open a new complaint to address these issues.

District Responsibilities During the Complaint Process:

The district is given the opportunity to respond in writing to the complaint allegation(s) within the timeline specified by the complaint investigator. The district may also submit additional data determined by the district to be pertinent.

School districts must provide access to any requested documentation and knowledgeable staff. District staff must be available for interviews, as needed, and unencumbered by fear of reprisals, implied or otherwise, for providing relevant information. Even if the complaint is filed during a period when school buildings or staff are difficult to access, the complaint still must be resolved within the 60 calendar day timeline mandated by federal regulations.

The district must send a copy of its response to MDE and to the complainant.

Within five days of receipt of the district's response, the complainant may submit additional information to MDE, either orally or in writing, about the allegations in the complaint.

A Final Report is Issued:

*A final report containing Findings of Fact, Conclusions of Law, and, where appropriate, orders, is sent to both parties. The final report is binding on the parties when issued.

If Corrective Action is Required of the District:

- *The district must carry out all orders in the report within the timelines contained therein.
- *In some cases, the district may be required to submit a plan to remedy the issues of noncompliance for approval.
- *If acceptable corrective action was completed before the final report is issued, it will be duly noted.
- *Failure to comply with corrective orders may result in fiscal actions or other measures.

Corrective Action is Monitored by MDE:

- *The complaint investigator monitors the implementation of the Corrective Action Plan (CAP) either through follow-up contacts or reports by the complainant. The complainant is expected to notify the complaint investigator if an order has not been duly implemented.
- *Technical assistance may be provided by MDE to assist in the effective implementation of the corrective action.
- *If the district refuses to comply with federal laws or regulations, or state statutes or rules, the violation is reported to the Commissioner who will withhold state and/or federal funds from the district.
- *The complaint investigator sends a letter to the complainant and the district closing the case when all aspects of the order or Corrective Action Plan (CAP) have been investigated and approved.

Withdrawal of a Complaint:

*Occasionally, a complainant makes a request that a complaint be withdrawn. When this happens, the complaint investigator will consider the request and make a decision on a case-by-case basis. Withdrawal of a complaint may be permitted if the withdrawal would be consistent with MDE's responsibility to ensure compliance with IDEA.

Secretarial Review:

*Either party to a complaint has the right to request that the United States Secretary of Education review the final decision of the MDE. A Secretarial Review is not conducted on demand, but must meet specific criteria, such as an apparent misinterpretation of federal law.

Additional Information:

*In cases of exceptional circumstances, an extension of timelines may be granted upon written request. The amount of time granted for an extension is at the discretion of the complaint investigator. Parties will be informed immediately of any revised timelines.

A summary of complaint decisions is maintained by the Office of Compliance and Assistance and periodically reported to the state Special Education Advisory Council.

Documentation

- ___ Conciliation Conference
- ___ Facilitated IEP Meeting Information
- ___ Facilitated IEP/IIIP/IFSP Meeting: Questions and Answers

- ___ Authorization Request for Facilitated IEP/IFSP/IIIP Meeting
- ___ Request for Facilitated IEP/IIIP/IFSP Meeting Form
- ___ Minnesota Special Education Mediation Service (MNSEMS): Questions and Answers
- ___ Request for Mediation Instructions
- ___ Request for Mediation Form
- ___ Due Process Hearing Request Notice
- ___ Due Process Hearing Request Form Guidance

Conciliation Conference

A Conciliation Conference is held when the parent(s)/guardian(s) disagree with the school district's proposed action or denial. It is intended to informally facilitate the reconciliation of differences. Parent(s)/Guardian(s) have the option of going directly to a due process hearing. The conciliation process must not be used to deny or delay a parent's/guardian's right to a due process hearing. A conciliation conference does not require full team membership. A conciliation conference must have in attendance at a minimum, a parent and a district staff with the authority to resolve the dispute.

*Parents always have a right to try to conciliate a disagreement with the school district. Parents cannot be required to conciliate.

*The fact that conciliation was attempted can be disclosed at a due process hearing although discussions occurring in conference cannot.

*If parents want to conciliate, they must ask the district for a conciliation conference and it must be held within ten (10) calendar days from the date the District receives a parent's objection to a proposal or refusal.

*Following conciliation, the district must prepare a memorandum within five (5) school days that provides the district's final proposed offer of services.

How to Proceed:

1. Schedule the conference at a mutually convenient time and place and hold the meeting within 10 calendar days after receipt of the written objection.
2. Contact the parent(s) to schedule a meeting and complete the Notice of a Team Meeting (optional) and send to the parent(s)/guardian(s). Enclose the brochure Notice of Procedural Safeguards.
3. Conduct the conference at a mutually convenient time and place.
4. Complete the Parental Consent/Objection and Prior Written Notice forms with an attached conference summary and send to the parent(s)/guardian(s) within five (5) business days. The following statements are included in the *Summary of Conciliation Conference*:
 - a) A summary of the issues/concerns discussed at the conference.
 - b) A description of the action proposed or refused by the district (if not shown on the IEP, IFSP or IIIP).
 - c) A description of any other options the district considered and reasons those options were rejected.
 - d) A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action.
 - e) A description of other factors that are relevant to the district's proposal or refusal.

Also, provide any proposed IEP resulting from the conciliation conference. The Summary and IEP are admissible evidence in a due process hearing. If the proposed action is an initial evaluation or initial placement, the district *must not* proceed until parent(s) give written informed consent. For all other proposed actions, the district must proceed in ten (10)

business days after the memorandum is served on the parent(s), unless the parent objects in writing to the proposed action or denial within that time period.

Refusal to Conciliate

*Parents must have an opportunity to meet with appropriate district staff in at least one conciliation conference if the parent(s) objects to any proposal or refusal of which the parent(s) are notified.

*If parent(s) refuse efforts by the district to conciliate the dispute and notify the district of their intent to request an impartial due process hearing, the district must inform the parent of the procedure for requesting a hearing.

Facilitated IEP

A facilitated IEP is another form of alternative dispute resolution that offers an IEP/IFSP/IIIP meeting moderated by an impartial state-provided facilitator to promote effective communication, address conflicts as they arise and assist the team in the development of an IEP/IFSP/IIIP. It is similar to an IEP team meeting.

1. Parent(s)/guardian(s) or a school district may request a facilitator from Minnesota Special Education Mediation Services (MNSEMS).

*The “facilitator” is a neutral party who facilitates communication between the parties.

*A facilitator does not make decisions.

*Participation in a facilitated IEP meeting is voluntary for parent(s)/guardian(s). Any party may refuse to participate or withdraw at any time.

*The facilitator is provided at no cost to either party.

*The facilitator cannot be called to testify and the facilitator’s records cannot be used in a due process hearing.

*The results of a facilitated IEP are not binding, unless the agreement becomes part of the

IEP/IFSP/IIIP.

Minnesota Special Education Facilitated IEP/IIIP/IFSP Meetings

Questions and Answers about Facilitated IEP/IIIP/IFSP* Meetings

What is a facilitated IEP Meeting?

A facilitated IEP meeting is an IEP meeting that includes an impartial facilitator who promotes effective communication and assists an IEP team in developing an acceptable IEP. The facilitator keeps the team focused on the proper development of the IEP while addressing conflicts that arise.

When can parents and school districts request a facilitator?

*When the IEP team process has been difficult or ineffective at developing an IEP acceptable to the parents and school district, either party may seek to use a facilitator. A facilitator is used to improve communication within the team and to help the team resolve conflicts that arise. A facilitator is not used to resolve disputes unrelated to the IEP or to attend an IEP meeting that does not include all of the minimally required team members pursuant to 34 C.F.R. § 300.344.

How is a facilitated IEP meeting different from mediation?

*The purpose of a facilitated IEP meeting is to develop an acceptable IEP and involves the required IEP team members, in addition to the facilitator. Mediation may deal with a broad range of issues and involves a balanced number of participants.

Where and when is a facilitated IEP meeting held?

*Similar to any IEP meeting, a facilitated IEP meeting is scheduled by the district and is held at a time and place mutually agreed to by the parent and school. The district must give proper notice to the parent including the purpose, the time, and

the place where the meeting will occur, and who will attend. Just as in any IEP meeting, parents can bring an advocate or other people at their

How long does the facilitated IEP meeting take?

*A facilitated IEP meeting may take longer than a typical IEP meeting but the scheduled time should not exceed four hours. A facilitated IEP meeting can always be reconvened if consensus on the IEP is not reached at the first meeting.

Who is the facilitator?

*Facilitators are individuals on the roster of the Minnesota Special Education Mediation Service (MNSEMS) who have experience and training in IEP development and conflict resolution. The facilitator is not a decision maker but models effective communication skills and offers ways to address and resolve conflict. They are impartial and do not represent the parent, the school district or the state.

For more information:

For more information about facilitated IEP meetings and the Minnesota Special Education Mediation Service or to obtain this material in a different format like large print, Braille or on tape, contact:

Patricia McGinnis, MNSEMS Coordinator

Telephone: 651-582-8200 or 651-582-8222

Toll Free: 1-866-4MNSEMS (1-866-466-7367)

Fax: 651-582-8498

For TTY communication, contact the Minnesota Relay Service at 1-800-627-3529

*All references to the IEP include the IIP (an interagency plan) and the IFSP (a plan for young children)

Authorization Request for Facilitated IEP/IFSP/IIP Meeting

Request for Facilitated IEP/IFSP/IIP Meeting

Instructions

1. Fill out the information that pertains to you and sign the form.
2. Send this form to the other party to be completed and signed or submit it directly to the Minnesota Department of Education (MDE). The MNSEMS coordinator will contact the other party to see if they are willing to work with a facilitator to develop an acceptable IEP.
3. If parties fill out this form at the same time, the school district will forward the form to MDE.
4. Once the request form is signed by the parents and the school staff, the district schedules an IEP meeting and faxes the notice of the meeting and the current IEP to MDE. The notice will include the date, time, place and address of the meeting. Upon receipt of this information, the MNSEMS coordinator needs seven days to assign a facilitator and send confirmation materials.
5. For additional information, contact MNSEMS at 651-582-8222, toll free at 1-866-4MNSEMS or fax: 651-582-8498. For TTY communication, contact the Minnesota Relay Service: 1-800-627-3529.

MNSEMS

Minnesota Department of Education
1500 Highway 36 West
Roseville, Minnesota 55113
Authorization to Release Educational Data

By agreeing to participate in a facilitated IEP meeting, I am authorizing School District #_____ and its employees, agents and contractors to share information with the Minnesota Department of Education about my child's identity, needs, and issues surrounding disagreements about educational programming.

Date: _____ Parent/Guardian _____

Date: _____ Parent/Guardian _____

A facilitated IEP meeting will not be held until MDE receives this signed authorization.

Request for Facilitated IEP/IFSP/IIIP* Meeting Form

Our last IEP team meeting was on (date) _____. We have concerns about the following areas of the IEP:

___ identification, evaluation _____ placement _____ progress reporting
___ present levels of educational performance ___ accommodations/modifications ___ transition
___ goals and objectives _____ related services _____ discipline/behavior
___ services _____ assistive technology _____ implementation of IEP

***We request assistance in facilitating an IEP meeting.**

***We know that using a facilitator is voluntary and cannot be used to delay or deny the parent's right to a due process hearing.**

***Our goal is to write an acceptable IEP that focuses on the needs of the child.**

***We understand that the facilitation will occur only if the minimally required team members are present.**

***We agree not to call the facilitator to testify in any subsequent proceedings.**

***The Minnesota Department of Education provides a facilitator, at no cost to the participants, to assist schools and parents in reaching consensus on an IEP.**

All references to the Individual Education Program (IEP) in this document also include the Individual Interagency Intervention Plan (IIIP) and the Individual Family Service Plan (IFSP)

Minnesota Special Education Mediation Service (MNSEMS)

Questions and Answers about Special Education Mediation

What is special education mediation?

Mediation is a way to settle a dispute which:

***helps parents, school and agency personnel solve disagreements about a student's special education needs**

***uses a trained and experienced mediator to guide the participants toward a mutually acceptable solution**

***encourages open communication in a confidential setting**

***is structured, yet informal**

***is voluntary for all parties**

***does not take away the right to a conciliation conference or a due process hearing**

How does the mediation process work?

***Once a completed and signed *Request for Mediation* form is received by MNSEMS, the parties are asked when they can meet and a mediator is assigned. Most mediation sessions can be scheduled within two to four weeks.**

Who may attend the mediation session?

*The number of participants at each mediation session will be kept to a minimum in order to enhance effective problem solving. People attending must include someone who has the authority to make decisions and to commit any resources agreed upon as a result of the mediation - typically the parents and the school district's representative. Other participants may include individuals who have knowledge of the student's needs or who have specialized knowledge of the issues in the dispute. The parties must agree on who can attend the session. Generally, the school will be limited to no more participants than the parents have present.

How long does a mediation session take?

Mediation sessions can take from five to six hours. Depending on the complexity of the issues and the number of participants, however, a session could last a full day. While conflicts are normally resolved in one session, some cases may require additional sessions.

What occurs during the mediation session?

The mediation session consists of several stages:

- Introduction - the mediator reviews his/her role and explains the ground rules covering confidentiality, the use of caucus, and other procedural rules. The mediator then outlines what will happen during the session and responds to the participants' questions.
- Sharing Points of View/Defining Issues - parties are given a chance to define the issues from their point of view. These comments would generally take no more than 15-20 minutes each. The mediator may ask questions to clarify or summarize what has been said.
- Caucus - the mediator may use a caucus, which is a chance for each party to meet privately with the mediator, to clarify issues and to discuss possible solutions.
- Discussion of Options for Resolution - the mediator assists the parties to identify a wide range of possible solutions, tests those solutions, and explores the consequences of not settling the dispute.
- Agreement - if there is an agreement, the mediator will help the parties write it down. If agreement is reached, each party will receive a copy. If appropriate, an Individualized Educational Program (IEP) team meeting will be scheduled to incorporate the terms of the mediation agreement into the IEP. If the session does not result in an agreement, the parties are free to pursue any of the options they had before they entered into mediation.

To Request Mediation

A request for mediation can occur whenever the parents or the school believe it might help resolve a given dispute. All parties must agree to participate in this voluntary process. A request form must be signed by the parties and sent to the Minnesota Special Education Mediation Service (MNSEMS) office. These forms are available at school district offices, agency offices, at advocacy organizations and public libraries, or will be sent to an interested party by MNSEMS. An attempt to convene a mediation session cannot be used to deny or delay a parent's right to a due process hearing.

For more information:

For more information about special education mediation and the Minnesota Special Education Mediation Service or to obtain this material in a different format like large print, Braille or on tape,

contact:

Patricia McGinnis, MNSEMS Coordinator

Telephone: 651-582-8222 or toll free at 1-866-4MNSEMS (1-866-466-7367)

Fax: 651-582-8498

For TTY communication, contact the Minnesota Relay Service at 1-800-627-3529

Request for Mediation Instructions

1. Fill out the information that pertains to you and sign the form.
2. Send this form to the other party to be completed and signed or submit it directly to the MNSEMS. MNSEMS will then contact the other party to see if there is a willingness to participate in mediation to resolve the dispute.
3. If parties fill out this form at the same time, the school district will forward the form to MNSEMS.
4. Upon receipt of the signed form, MNSEMS staff will contact all parties to schedule the mediation session.
5. For additional information, contact Patricia McGinnis, MNSEMS Coordinator, at 651-852-8222 or toll free at 1-866-4MNSEMS (1-866-466-7367). Fax: 651-582-8498. For TTY communication, contact the Minnesota Relay Service: 1-800-627-3529.

MNSEMS
Minnesota Department of Education
1500 Highway 36 West
Roseville, Minnesota 55113
Authorization to Release Educational Data

By agreeing to participate in mediation, we are authorizing School District # _____ and its employees, agents and contractors to share information with MNSEMS about my child's identity, needs, and issues surrounding disagreements about educational programming.

Date: _____ Parent/Guardian _____

Date: _____ Parent/Guardian _____

Mediation cannot begin without this signed authorization.

Request for Mediation

We request that a mediator be assigned to assist in resolving the following issues:

- **We know that mediation is voluntary and we can still have a due process hearing if we cannot agree.**
- **We know that the mediation session is confidential. We agree that we will not ask the mediator to go to any other proceedings.**
- **We agree to try to find a solution in the best interests of the student.**
- **We understand that any agreement reached in mediation is enforceable in court.**
- **MNSEMS will provide a mediator at no cost to the participants.**

<p><u>School District / Cooperative Name and #</u> _____ _____</p> <p>School Administrator's Name and Title _____ Ad dress _____</p>	<p><u>Student's Name</u> _____</p> <p>Student's Age Grade Disability _____</p> <p>Parent/Guardian Name(s) _____</p> <p>Address _____</p>
---	--

City _____ State _____ Zip _____ Phone # () _____ Fax # () _____ Email _____ Date _____ School Administrator's Signature _____	_____ City _____ State _____ Zip _____ Phone: Home # () _____ Work # () _____ Cell # () _____ Email _____ Date _____ Parent/Guardian's Signature _____
Is this mediation the result of a hearing request?	
1 Yes	
1 No	
I need these accommodations for the mediation:	

Due Process Hearing Request Notice

To initiate a special education due process hearing, you must send this completed form to the school district or parent(s) *and* to the MN Department of Education, Due Process Hearing Coordinator at 1500 Highway 36 West, Roseville, MN 55113. It can be faxed to MDE at 651-582-8613. Keep a copy for your records.

Hearing Request by (check appropriate box) _____ Parent(s), or _____ District.

Child's Date of Birth: _____ Child's Primary Disability: _____

*Child's Name: _____ Parent's Name: _____

Child's Address (or contact information if homeless): _____

*Parent's Address, Phone and E-mail: _____

*Name of School Attending: _____ School District: _____

Director of Special Education

Name, Address and E-mail: _____

Attorney's (if represented)

Name, Address and E-mail: _____

Parents: Are you requesting an expedited hearing because you disagree with: a manifestation determination, an interim alternative educational placement, or a change in placement due to disciplinary or safety reasons? _____

District: Are you requesting an expedited hearing in order to protect the student or others from injury? _____

* Information with an asterisk (*) is required and must be provided.

*Why are you requesting a hearing? Please specify the nature and facts of your complaint. (This should describe a violation that has occurred within the last two years):

*If you are aware of a possible solution to the problem, please describe the solution here (what do you want to accomplish by requesting this hearing?):

Notice to Filing Party

Failure to provide a complete notice may result in a denial or delay in the due process hearing if the other party notifies the hearing officer, in writing, of an objection to the sufficiency of the hearing request notice within 15 days of receipt. If you have questions about the requirements for this request notice, please contact the MDE Due Process Hearing Coordinator at 651-582-8689

This due process hearing request notice may only be amended if: 1) the other party agrees and is given the opportunity to resolve the complaint in a resolution session or mediation, or 2) the hearing officer grants permission to amend. An amended due process hearing request notice will result in the applicable timelines beginning anew.

Parent/Student E-mail Permission

I permit the Minnesota Department of Education (MDE) and the Hearing Officer to share information with me, including hearing notices and decisions, via electronic mail. I understand that electronic mail may not be a secure method of communication and release MDE and the Hearing Officer of any inadvertent breach of private data.

Parent (or Student if 18) Signature

Date

Date received by district or parent(s) This form is available in several languages, Braille, or other formats
Contact MDE: 651-582-8689 (to be completed by recipient only) (to be completed by MDE only)

Due Process Hearing Request Form Notice Guidance

Due Process Hearing Request Form Guidance

<u>Written Form</u>	Requests for due process hearings must be in writing. The due process hearing request form includes the legally required information noted with an asterisk (*), that must be included in all hearing requests.
<u>Complete Notice</u>	The required information must be completed, signed, and returned to the Minnesota Department of Education (MDE) with a copy of the hearing request sent to the opposing party (school district or parent).
	Failure to provide a complete notice may result in a denial or delay in the due process hearing if the other party notifies the hearing officer in writing of an objection to the sufficiency of the hearing request notice within 15 days of receipt.
<u>Expedited Hearing Request</u>	If a parent requests a hearing regarding a disciplinary action in which the district has placed the student to an interim alternative educational setting. Space is included for noting which party is seeking an expedited hearing and for what reason.
<u>Questions</u>	Questions related to hearing requests can be directed to the MDE Due Process Hearing Coordinator at 651-582-8689

<p><u>Specifics</u></p>	<p>“Hearing Requested By” Check one of these boxes so that it is clear who is requesting the hearing.</p> <p>“Child’s Date of Birth” The child’s age is important for determining whether the hearing is to operate pursuant to Part C or B of IDEA.</p> <p>“Child’s Primary Disability” This data is useful to track trends in the frequency of disputes concerning students with various disabilities.</p> <p>“Director of Special Education” This information will help us ensure the correct individuals are notified about the request.</p> <p>“Attorney” If an attorney is involved, it is important to ensure <u>communication with the attorney</u>.</p>

Applicable Citations

34 C.F.R. §300.507 - §300.509

Impartial Due Process Hearing

Hearing Officer

Hearing Rights

Additional Resources:

Additional information regarding due process hearings, including timelines and procedures, can also be found within the Notice of Procedural Safeguards available at:

http://education.state.mn.us/mde/accountability_programs/Compliance_and_assistance/special_education_due_process_hearings/index.html

Appendix IV Referral for Interagency Services

If at the time of initial referral for an educational assessment or reassessment, the district determines that a child with disabilities who is between the ages birth-21 may be eligible for interagency services, the district may:

- Request that the county of residence provide a representative to the initial assessment or reassessment team meeting or the first IEP planning meeting following the assessment; and/or
- Request to have a county representative attend other IEP meetings when it is necessary to facilitate coordination between district and county provided services.

Upon request from a district, the resident county shall provide a representative to assist the IEP team in determining the child's eligibility for existing health, mental health, or other support services administered by the county.

The IEP team and the county representative must develop an interagency plan of care for an eligible child and the child's family to coordinate services. The interagency plan of care must include:

1. appropriate family information with the consent of the family;
2. a description of how services will be coordinated between the district and county;
3. a description of service coordinator responsibilities and services; and
4. a description of activities for obtaining third party payment for eligible services.

Any state, county, or city government agency responsible for providing services or resources to students with disabilities is subject to the same dispute resolution systems as local school districts, and all such agencies must comply with corrective action requirements that extend from these systems.

Establishing Responsibility for Services

The local school district, in providing for the education of students with disabilities, must have in effect policies, procedures, and programs that are consistent with the state policies and procedures. The governing boards of the interagency early intervention committees are responsible for developing and implementing interagency policies and procedures to coordinate services at the local level for children with disabilities ages birth-21 under guidelines established by the state interagency committee. The governing boards will enter into an interagency agreement that establishes a governance structure.

The governing board of the interagency early intervention committee will:

1. identify and assist in removing state and federal barriers to local coordination of services provided to students with disabilities;
2. identify adequate, equitable, and flexible use of funding by local agencies for these services;
3. implement policies that ensure a comprehensive and coordinated system of all local agency services, including multidisciplinary assessment practices for students with disabilities ages 3-21;
4. use a standardized written plan for providing services to a child with disabilities;
5. access the coordinated dispute resolution system and incorporate the guidelines for coordinating services at the local level;
6. use an evaluation process to measure the success of the local interagency effort in improving the quality and coordination of services to students with disabilities ages 3-21;
7. develop a transitional plan for children moving from the interagency early childhood intervention system into the interagency intervention service system;
8. coordinate services and facilitate payment for services from public and private institutions, agencies, and health plan companies; and
9. share needed information consistent with state and federal data practices requirements.

Interagency agreement: Financial Responsibilities

The Interagency Agreement will include the following financial responsibilities:

1. a method of defining the financial responsibility of each agency for providing services to ensure FAPE to students with disabilities;

Local school districts, regional agencies, local agencies, organizations, and third-party payers must comply with any federal or state laws that mandate responsibility for finding, assessing, delivering, assuring, a paying for education or related services for children with disabilities and their families.

1. the conditions, terms, and procedures under which a local school district must be reimbursed by other agencies;
2. procedures for resolving interagency disputes in order to secure reimbursement from other agencies; and
3. policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination, timely and appropriate delivery of services.

Obligations of Non-Educational Public Agencies

If any public agency other than an educational agency is otherwise obligated under federal or state law, or assigned responsibility under state policy, to provide or pay for any services that are also considered special education or related services that are necessary for ensuring a free appropriate public education (FAPE) to children with disabilities, the public agency must fulfill that obligation or responsibility, either directly or through contract or other arrangement. A non-educational public agency may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school district.

If a public agency other than an educational agency fails to provide or pay for the special education and related services needed to provide FAPE, the local school district must provide or pay for these services in a timely manner. The local school district is authorized to claim reimbursement for the services from the non-educational public agency that failed to provide or pay for these services and that agency must reimburse the local school district in terms of the interagency agreement.

APPENDIX V: CTIC OPERATING PROCEDURES

Minnesota law known as the Interagency Services for Children with Disabilities Act was enacted in 1998. This legislation supports the development and implementation of a coordinated, multidisciplinary, interagency intervention system for children and youth with disabilities ages 3-21 and their families. Districts were mandated to provide coordination of services for children up to age 5 beginning January 2001. Beginning July 2001, districts were mandated to provide these services up to children age 9. Starting July 1, 2002, districts are mandated to coordinate services for children up to age 14. By July 1, 2003, coordinated services shall be offered to all eligible children through age 21.

The goal of this legislation is to streamline service delivery by reducing duplication of services from multiple service providers and by increasing collaboration and cooperation among all partners providing services to children, youth and their families.

Coordination of services must be offered to families with children eligible for special education services who are also receiving services from one or more of the following programs/services:

- Maternal and Child Health Program
- Medical Assistance
- Developmental Disabilities Assistance and Bill of Rights Act
- Head Start Act
- Rehabilitation Services
- Juvenile Court Act
- Children's Mental Health Collaboratives
- Family Service Collaboratives
- Family Community Support Plan
- Minnesota Care Program
- Community Health Service Grants
- Community Social Service Act
- Community Interagency Transition Committees (CTIC)
- Services provided under a health plan in conformity with an Individual Interagency Intervention Plan

Standardized Written Plan Procedures

Minnesota law requires that each eligible child or student have access to an interagency intervention service system that coordinates services and programs which will be reflected in a standardized written plan.

Standardized Written Plan: Interagency Coordinated Plan (ICP)

The purpose of children with disabilities ages 3-21 is to identify and organize both formal and informal supports to facilitate the development of a plan that addresses the child and family's concerns. While the actual written document contains the mandated plan requirements of many services and programs, the plan itself should be the product of interaction, collaboration, and partnerships between families and professionals.

The written plan used in the districts will be referred to as an "Interagency Coordinated Plan (ICP). The ICP will include the standard Individual Education Plan (IEP) pages which document team membership, present levels of student performance, student needs, goals and objectives, and services. An additional page (Interagency Coordinated Plan) will be used to document shared outcomes and the agency responsible for the provision of services, which implies funding source. The goal of shared outcomes is to encourage multiple agencies to jointly work on common concerns across multiple environments.

Expectations on Implementing the Standardized Written Plan

Local governance agreement

The standardized written plan is a key element within each local interagency system. The Governing Boards of the Interagency Help Me Grow (HMG) Committees are required to develop an interagency Governance Agreement to support coordination of services for children with disabilities and their families that receive services through the standardized written plan. These Governance Agreements should specify the system of interagency child find; screening, assessment, and other system issues such as dispute resolution. They should also outline specific elements such as service coordination and funding and payment responsibilities for services on the standardized written plan.

Framework for documenting, describing, and coordinating services

The standardized written plan should be used as a framework for interagency teams to document, describe, and coordinate services as well as payment arrangements for each individual child and their family.

Provide services to children with disabilities needing services from two or more agencies

The standardized written plan is designed to be used for children with disabilities ages 3-21 who meet Special Education eligibility criteria and who also receive services from two or more agencies. It should be noted here that a family can choose not to use the written plan and the corresponding coordinated service system, even if their child is eligible to use the written plan and to receive services within the provisions of this document. Those families who do not wish to use the standardized written plan and coordinated interagency service system must be provided with an agreed upon alternative plan that meets their child's education and service related needs.

APPENDIX VI: EARLY INTERVENTION COMMITTEE OPERATING PROCEDURES

Region 5 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 9 Help Me Grow IEIC

Purpose of the Committee

The purpose of the Region 5 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.

(review existing IEIC committees mission statements)

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 necessary, alterations and improvements;

(4) assure the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individual education plans and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies;

(5) implement a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;

(6) facilitate the development of a transitional plan if a service provider is not recommended to continue to provide services;

(7) identify the current services and funding being provided within the community for children with disabilities under age five and their families;

(8) develop a plan for the allocation and expenditure of additional state and federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313); and

(9) develop a policy that is consistent with section [13.05, subdivision 9](#), and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public.

(c) The local Committee shall also:

(1) participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families; and

(2) review and comment on the early intervention section of the total special education system (TSES) for the district, the county social service plan, the section or sections of the community health services plan that address needs of and service activities

targeted to children with special health care needs, the section on children with special needs in the county child care fund plan, sections in Head Start plans on coordinated planning and services for children with special needs, any relevant portions of early childhood education plans, such as early childhood family education or school readiness, or other applicable coordinated school and community plans for early childhood programs and services, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities.

Relationships/ Alignment / Priorities

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

- **Lead Agency and State Partners:** Minnesota Department of Education is the lead agency for Part C Early Intervention services, with Minnesota Department of Health and Department of Human Services participating as state partners, in delivering a comprehensive and coordinated interagency system. State agency staff may attend and participate in the Region 5 HELP ME GROW IEIC as ex officio members. Minnesota Department of Education will determine a way to establish this across the state (i.e., state staff could be a liaison with each region for attendance at meetings, etc.).
- **Governor’s Interagency Coordinating Council (ICC):** The Region 5 Help Me Grow designee will attend the ICC meetings and report the business of the Regional IEIC to the ICC in the role of a guest.
- **Special Education Administrative Units (SEAU):** The Region 5 Help Me Grow IEIC will collaborate with SEAUs to examine and distinguish local vs. regional priorities. Funding priorities will be established to help guide funding decisions at the SEAU.
- **Other local agencies:** Linkages to local entities (community-based service providers) should be maintained. SEAUs and local agencies will collaborate to maintain established relationships.

BOLD

- **Centers of Excellence for Young Children with Disabilities Project (COE):** The Region 5 Help Me Grow IEIC will collaborate with the COE to ensure that ongoing training needs are met. The COE will participate in assessing district/local agency needs for training. Districts are strongly encouraged to align training with the COE to avoid duplication of training efforts.

Operational Considerations

Fiscal Host:

The fiscal host for the Region 5 Help Me Grow IEIC is: Mid State Ed District

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

Local Primary Agency (LPA):

The local primary agency for the region 5 Help Me Grow IEIC is: Mid State Ed District

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

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

Website posting: *Minutes, agendas, etc., need to be on a website. The Centers of Excellence for Young Children with*

Disabilities Project website is currently being created (Phase 1 will not be available until October 2011) and has the capacity to include information for each Regional IEIC, which would ensure consistency. Meeting minutes, decisions and regional Committee work could be placed on the website to make information available to other stakeholders and interested parties. It can be linked to HELP ME GROW. There could be an interactive map and a link from HELP ME GROW to the Regional IEIC's. MN Parents Know website needs to be made more "user friendly" for use with HELP ME GROW.

Process to change Operating Procedures: Conditions of the agency obligation. See language to insert. Use as interim language.

Demographics

Geographic area served: Region 5

School Districts: Staples- Motley, Wadena- Deer Creek, Little Falls, Pierz, Royalton, Pequot Lakes Public Schools Public Schools, Pillager, Pine River, Pequot Lakes, Crosby, Aitkin, Verndale, Pequot Lakes Public Schools Public Schools, Little Falls, Pierz, Royalton

Counties: Cass, Todd, Morrison, Crow Wing

Head Start: TCC, Lakes and Pines, and Bi- Cap

Membership

Mandated Sector Membership requirement: (according to statute)

Representation:

- Health – 2 representatives-Heidi Briggs, Todd County, Renee Lukason , Cass County
- Education – 2 representatives among SEAU units- Julie Domino, Paul Bunyan Education Cooperative, Lori Murdock, Freshwater
- County human services – 2 representatives- Pat Sharbonda, Crow Wing County, Morrison County Representative.
- County board –School board – Margaret Knebel
- Early Childhood Family Education programs – 1 representative- Janelle Peters, Little Falls
- Head Start –1 representative- TCC- Michelle Andringa
- Parents of young children with disabilities under age 12 - Petra Johnson
- Child Care Resource and Referral – 1 representative- Denise Mauer
- School Readiness programs – 1 representative- Janelle Peters, Little Falls
- Current service providers –1 ECSE teacher-Vicky Spofford
- May also include representatives from:
 - Private agencies
 - Public agencies- Sue Ewy, Dept. of Health Region 5 Representative
 - School nurses

Membership will rotate among the various county and SEAU units in Region 5.

Proposed Rotational Schedule:

Health- 2-3 year terms- Cass, Todd, Morrison, Crow Wing Counties

County Human Services- 2-3 years- Crow Wing, Morrison, Todd, Cass

ECFE/ School Readiness: Little Falls, ?

Head Start- 2 year term: TCC, Bi- Cap, Lakes and Pines

Current Service Providers- 1 year term: Various School districts- starting with Little Falls

Terms of membership will need to be determined by IEIC committee.

Additional Members Identified: Other members to be identified by the new Region 5 Help Me Grow IEIC. Bonnie Henningson, ECSE Coordinator Paul Bunyan Education Cooperative

Ex Officio –Business Manager from Mid State

Recruitment/ selection of members: To be determined by the new Region 5 Help Me Grow IEIC.

Chair: Julie Domino

Meeting Facilitator: The chair will be responsible to facilitate the Region 5 Help Me Grow IEIC meetings.

Other officers:

Notetaker- Heidi Briggs

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

Removal/replacement: If a member of the Region 5 Help Me Grow IEIC is not able to continue on the Regional IEIC, the vacancy must be filled by another member from the same representative category (process yet to be determined).

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

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

Terms of membership: Decision deferred until new Region 5 Help Me Grow IEIC is established. Consider staggered memberships.

Meetings

Meetings of members:

Meeting cycle:

Quarterly meetings every xxx of the month (minimum frequency)

1stQ: Summer

2ndQ: Fall

3rdQ: Winter

4thQ: Spring

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

Ground rules: To be determined by the new Region 5 Help Me Grow IEIC.

Attendance: Two consecutive absences without notifying the chair would result in dismissal from the Committee. Designees may be assigned as follows: When members are unable to attend scheduled Region 5 Help Me Grow IEIC meetings, they may assign a designee, in writing, to the Chair. The designee shall have the authority to exercise the full privileges of the absent member.

Decision-making process/voting: When can the Committee make decisions via electronic communication? This decision will be left up to the new Region 5 Help Me Grow IEIC to determine.

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

Electronic participation: It may be acceptable to vote on some items electronically as a Regional IEIC. Consider electronic voting as a group at meetings (such as a phone conference or skype).

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

Standing agenda format: The new Region 5 Help Me Grow IEIC will determine if a standing agenda format is needed.

Quorum: TBD by new committee- look at samples

Voting: Decisions by the Region 5 Help Me Grow IEIC shall, to the extent possible, be made by consensus of members (and designees), unless an exception is noted. If there is no consensus, decisions shall be made by a majority vote (51% or more) of the members (and designees). Look at samples- simple majority of those present

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

Reimbursement policies: The new Region 5 Help Me Grow IEIC will determine if any members or positions shall receive reimbursement for participation and duties on the IEIC. If a Regional IEIC member is serving within his/her assigned job duties, expenses will not be reimbursed by the Regional IEIC committee.

Standing Sub-Committees: (optional)

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

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

Membership – determine terms of membership

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

APPENDIX VII: ALLOCATION AND EXPENDITURE OF ADDITIONAL STATE AND FEDERAL EARLY INTERVENTION FUNDS

The Paul Bunyan Special Education Cooperative will support the efforts of the regional IEIC to fulfill the requirements of 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)

Specific requirements can be found through MN State Statute 125A.30 Interagency Early Intervention Committees

Link: [125A.30 Interagency Early Intervention Committees](#)

Adjustments to Local Fiscal Efforts

Districts will use 15% of the Section 611 entitlement for Early Intervening Services (EIS), as long as the data does not demonstrate a significant disproportional representation by race/ethnicity within the district's special education child count. EIS funds will be utilized for provision of services to students and for staff development purposes related to the provision of services to students. Early Intervening funds will be used to deliver scientifically based academic instruction and/or behavioral interventions to students not yet identified as needing special education services.

Districts may treat up to 50% of the increase in IDEA Part B funds over the previous year as local funds. The use of the 50% funds interconnects with the 15% EIS provision. Districts may use up to 15% of IDEA Part B funds, less any amount used for 50% rule, for EIS.

APPENDIX VIII: STUDENT SAFEGUARDS

The use of or disclosure by any party of information concerning an eligible child in violation of any rule of confidentiality provided for in Minnesota law or for any purpose not directly connected with the agency or agency's responsibility, hereunder is prohibited except on written consent of such eligible child, the child's attorney or the child's responsible parent or guardian. Information gathered will be shared with all Interagency Central Referral members with a signed release of information form.

APPENDIX IX: SPECIAL EDUCATION PARENT ADVISORY COMMITTEE

Special Education Parent Advisory Council Operating Procedures

Paul Bunyan Education Cooperative

Member Schools: Aitkin, Brainerd, Crosby-Ironton, Crosslake Charter, Discovery Woods Charter, Pequot Lakes, Pillager, Pillager Area Charter School, Pine River

PURPOSE

The Special Education Parent Advisory Council (SEPAC) shall advise the Paul Bunyan Education Cooperative (PBEC) and supporting school districts on the education of children with disabilities. The essence of the Council's purpose is to provide a broad base of input to PBEC and supporting districts on the policies, practices, and issues related to the education of children and youth with disabilities who are between the ages of birth to twenty-one.

FUNCTIONS

The Special Education Advisory Council shall:

1. Support, advocate, and advise PBEC on special education matters.
2. Advise the Special Education Director on special education related issues.
3. Provide a forum for parents and staff to share ideas, identify concerns, and advise PBEC, in order

to improve services for children with disabilities.

4. Provide a communication link with the community at large. Advocate for high-quality educational programs for all learners.

MEMBERSHIP

The SEPAC shall be comprised of members appointed by the Special Education Director. A majority of the members must be individuals with disabilities or parents of children with disabilities. Membership on the council should closely represent the Districts' populations and be composed of individuals involved in, or concerned with the education of children with disabilities and may include:

1. Parents of children with disabilities;
2. Individuals with disabilities;
3. Teachers;
4. Representatives of institutions of higher education that prepare special education and related services personnel;
5. Local education officials;
6. Administrators of programs for children with disabilities;
7. Representatives of private schools and public charter schools;
8. Representative of a vocational, community, or business organization concerned with the provision of services to children with disabilities; and
9. Representative from area juvenile and correction agencies.

TERMS OF MEMBERSHIP

1. The term of each member shall be for two years and expire on June 30th of the second year. In cases where a replacement member has not been appointed, an existing member may continue into the next term until the new appointment is made.
2. Appointments to the SEPAC shall be staggered to assure that only one fourth of the membership would terminate activities at the end of any given year.
3. Members in good standing may reapply and be reappointed at the discretion of the Director.

OFFICERS:

The Council shall elect a chairperson and vice-chairperson who shall serve a two-year term. The chairperson will conduct the monthly meetings and work with the Director of Special Education to see that the objectives and goals of the Council are met. The vice-chairperson shall conduct the yearly meetings in the absence of the chairperson. A secretary will be elected at each meeting to take minutes of the meeting.

MEETINGS

1. The SEPAC shall meet yearly during each fiscal year at a time and place determined by the Director of Special Education. Meetings are open to the public.

2. Workgroups may be delegated to work on projects related to goals. Workgroups will report to the large group.
3. A draft of the meeting minutes will be sent to members for review.
4. The Director of Special Education shall provide an annual SEPAC report to the PBEC's School Boards summarizing the goal(s) and outcome.

PARTICIPATION BY NON-COUNCIL MEMBERS

Individuals who are not SEPAC members are welcome to attend meetings and may address an issue on the agenda only after being recognized by the Chair.

NOTICE OF MEETINGS

Notice of the Special Education Advisory Council meetings shall be sent prior to the meeting. SEPAC members may submit agenda items for consideration.

QUORUM

A quorum shall consist of a majority of the current active members

DEALING WITH CONFLICT

SEPAC members come from a variety of backgrounds and perspectives. As a result, differences of opinion will inevitably arise. Resolution of conflict will be accomplished with members using flexibility, compromise, and respect. SEPAC Meeting Norms:

- Attend every meeting
- Model good listening – no side bar conversations
- Participate positively – no sarcasm or demeaning comments
- Attack the problem not the person
- Agree to disagree
- Problem solve rather than problem admiration
- Listen actively – don't work on other projects
- Laugh a lot with each other

COMPENSATION

Members of the Council shall serve without compensation but be reimbursed for reasonable and actual expenses incurred in attending meetings within the limits provided in State rules with prior approval from the Director of Special Education.

ATTENDANCE

Members are expected to attend meetings for the length of their tenure in order to represent their

constituency, organization and/or agency, and to enhance the effectiveness of the Council. Should Council members be unable to participate in a meeting, it is their responsibility to notify the Director of Special Education or staff liaison of their anticipated absence. Notification is requested as early as possible, but not later than 48 hours preceding the meeting.

If necessary, SEPAC members may, for information purposes only, opt to send a substitute to meetings. If a substitute is sent to an Advisory Council meeting, it is the responsibility of that member to fully inform the substitute of the work of the Council and to also notify the Director of Special Education of the anticipated participation of the substitute. Since the work of the Advisory Council is dependent upon consistent participation of the members, it is anticipated that the use of substitutes by members will be limited. Substitutes may be reimbursed at the same level as Advisory Council members.

REPLACEMENT

Advisory Council members shall be replaced when the following occurs: the member sends a letter of resignation to the Director of Special Education. In the event of a vacancy, a message will be sent to all families with children receiving special education services in the district where the opening occurs. Special education staff in that district will be contacted personally in an effort to recruit possible new members.

MODIFICATIONS: Changes of Policies and Procedures

The members may review the operating policies and procedures of the Special Education Advisory Council and make recommendations to the Director or designee.