

Total Special Education System Manual

GOODHUE COUNTY EDUCATION DISTRICT #6051-61

395 Guernsey Lane, Red Wing, MN 55066 • Phone 651.388.4441 • Fax 651.388.9557

Cannon Falls #252 • Goodhue #253 • Kenyon Wanamingo #2172 • Lake City #813 • Red Wing #256 • Zumbrota Mazeppa #2805



Total Special Education System (TSES)

This document serves as the Total Special Education System Plan for the Goodhue County Education District (GCED) and its Member Districts including, Cannon Falls, Goodhue, Kenyon Wanamingo, Lake City, Red Wing and Zumbrota Mazeppa in accordance with Minnesota Rule 3525.1100. This plan is for both Education District Programs, as well as, the member districts of this Education District. Accordingly, in the following document, when the GCED is referenced it refers to both the Education District as well as the six independent members. 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).

Cheryl Johnson, GCED's Executive Director, is responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration. Cheryl Johnson may be reached at 651-388-4441.

I. Child Study Procedures

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

The GCED 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 the GCED to children from birth through 2 years of age who meet the outlined criteria.

The team determines that a child from birth through the age of 2 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, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in sub item (1), (2), or (3):
 - (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.

(3) The child's eligibility is established through the application of informed clinical opinion. Informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments to establish eligibility.

The team shall determine that a child from the age of 3 years through the age of 6 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, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in sub item (1) and the criteria in sub item (2). The GCED 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.

B. Evaluation

Evaluation of the child and assessment of the child and family will be conducted in a manner consistent with Code of Federal Regulations, Title 34, §303.321.

- A. *General.* (1) The lead agency must ensure that, subject to obtaining parental consent in accordance with § 303.420(a) (2), each child under the age of three who is referred for evaluation or early intervention services under this part and suspected of having a disability, receives—
- (i) A timely, comprehensive, multidisciplinary evaluation of the child in accordance with paragraph (b) of this section unless eligibility is established under paragraph (a)(3)(i) of this section; and
 - (ii) If the child is determined eligible as an infant or toddler with a disability as defined in §303.21;
 - (A) A multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs;
 - (B) A family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of that infant or toddler. The assessments of the child and family are described in paragraph (c) of this section and these assessments may occur simultaneously with the evaluation, provided that the requirements of paragraph (b) of this section are met.
- (2) As used in this part:
- (i) *Evaluation* means the procedures used by qualified personnel to determine a child's initial and continuing eligibility under this part, consistent with the definition of *infant or toddler with a disability* in §303.21. An *initial evaluation* refers to the child's evaluation to determine his or her initial eligibility under this part;
 - (ii) *Assessment* means the ongoing procedures used by qualified personnel to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child's eligibility under this part and includes the assessment of the child, consistent with paragraph (c) (1) of this section and the assessment of the child's family, consistent with paragraph (c) (2) of this section; and
 - (iii) Initial *assessment* refers to the assessment of the child and the family assessment conducted prior to the child's first IFSP meeting.
- (3) (i) A child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child) under this part if those records indicate that the child's level of functioning in one or more of the developmental areas identified in §303.21(ab) (1) constitutes a developmental delay or that the child otherwise meets the criteria for an infant or toddler with a disability under §303.21. If the child's part C eligibility is established under this paragraph, the lead agency or EIS provider must conduct assessments of the child and family in accordance with paragraph (c) of this section.
- (ii) Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. In addition, the lead agency must ensure that informed clinical

opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility under paragraph (b) of this section.

- (4) All evaluations and assessments of the child and family must be conducted by qualified personnel, in a nondiscriminatory manner, and selected and administered so as not to be racially or culturally discriminatory.
- (5) Unless clearly not feasible to do so, all evaluations and assessments of a child must be conducted in the native language of the child, in accordance with the definition of *native language* in §303.25.
- (6) Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed, in accordance with the definition of *native language* in §303.25.

B. Procedures for evaluation of the child. In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child's eligibility under this part. Procedures must include:

- (1) Administering an evaluation instrument;
- (2) Taking the child's history (including interviewing the parent);
- (3) Identifying the child's level of functioning in each of the developmental areas in §303.21(a) (1);
- (4) Gathering information from other sources such as family members, other caregivers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child's unique strengths and needs; and
- (5) Reviewing medical, educational, or other records.

C. Procedures for assessment of the child and family.

- (1) An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs. The assessment of the child must include the following:
 - (i) A review of the results of the evaluation conducted by paragraph (b) of this section;
 - (ii) Personal observations of the child; and
 - (iii) The identification of the child's needs in each of the developmental areas in §303.21(a) (1).
- (2) A family-directed assessment must be conducted by qualified personnel in order to identify the family's resources, priorities, and concerns and the supports and services necessary to

enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. The family-directed assessment must:

- (i) Be voluntary on the part of each family member participating in the assessment;
- (ii) Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
- (iii) Include the family's description of its resources, priorities, and concerns related to enhancing the child's development.

The team conducts 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.

The GCED conducts full and individual initial evaluation before the initial provision of special education and related services to a pupil. The initial evaluation consists 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 obtains informed consent from the parent of the child before the evaluation is conducted. Parental consent for evaluation is not 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 reevaluation.

Evaluation Procedures

Evaluations and reevaluations are conducted according to the following procedures:

- A. The GCED shall provide notice to the parents of the pupil, according to Code of Federal Regulations, Title 34, §300.500 to §300.505, that describes any evaluation procedures the district proposes to conduct.
- B. In conducting the evaluation, The GCED:
 - (1) Uses a variety of evaluation tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that are designed to assist in determining whether the child is a pupil with a disability and the content of the pupil's individualized education program, including information related to enabling the pupil to be involved in and progress in the general curriculum, or for preschool pupils, to participate in appropriate activities;
 - (2) Does 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) Uses technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

C. The GCED 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 administers such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, sub item (2).
- C. The district obtains 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 evaluates a pupil in accordance with federal regulation before determining that the pupil is no longer a pupil with a disability.

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:
- (1) Draws 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) Ensures 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 is developed for the pupil according to Minnesota Rule 3525.2810.

Evaluation report

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

- 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

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

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

The GCED 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 the GCED's method of providing the special education services for the identified pupils, sites available at which service may occur, and instruction and related services are available.

Appropriate program alternatives to meet the special education needs, goals, and objectives of a pupil are determined on an individual basis. Choice of specific program alternatives are based on the pupil's current levels of performance, pupil special education needs, goals, and objectives, and must be written in the IEP. Program alternatives are comprised of the type of services provided, the setting in which services occur, and the amount of time and frequency in which special education services occur. A pupil may receive special education services in more than one alternative based on the IEP or IFSP.

- A. Method of providing the special education services for the identified pupils:
 - (1) One-on-one services, including teacher, paraprofessional, nursing, and interpreting
 - (2) Small group instruction
 - (3) Direct instruction
 - (4) Indirect instruction/consultation/observation
 - (5) Co-teaching within the general education setting

- (6) Resource room setting in addition to co-teaching or instruction in core curriculum
- (7) Specialized Setting III programs
- (8) Setting IV programs
- (9) Secondary Transition Education Program (STEP) for 18-21 year olds
- (10) Birth to 3 program serving children and families at home or in the community
- (11) Inclusive/integrated preschool programs for ages 3-5
- (12) Supplanted Instruction
- (13) Mental Health Services

B. Sites available at which services may occur:

- (1) River Bluff Education Center, Red Wing, MN – Federal Setting IV and Transition Services
- (2) Pathways ALC, Red Wing, MN - Federal Settings I through III and Transition Services
- (3) Cannon Falls Elementary, Cannon Falls, MN - Federal Settings I through III Services
- (4) Cannon Falls Middle and High School, Cannon Falls, MN - Federal Settings I through III and Transition Services
- (5) Goodhue Public Schools, Goodhue, MN - Federal Settings I through III and Transition Services
- (6) Kenyon Wanamingo Elementary, Wanamingo, MN - Federal Settings I through III Services
- (7) Kenyon Wanamingo Middle and High School, Kenyon, MN - Federal Settings I through III and Transition Services
- (8) Bluff View Elementary, Lake City, MN - Federal Settings I through III Services
- (9) Lincoln High School, Lake City, MN - Federal Settings I through III and Transition Services
- (10) Colvill Early Childhood Center, Red Wing, MN - Federal Settings I through III Services
- (11) Sunnyside Elementary, Red Wing, MN - Federal Settings I through III Services
- (12) Burnside Elementary, Red Wing, MN - Federal Settings I through III Services
- (13) Twin Bluff Middle School, Red Wing, MN - Federal Settings I through III Services
- (14) Red Wing High School, Red Wing, MN - Federal Settings I through III and Transition Services
- (15) Tower view ALC, Red Wing, MN - Federal Settings I through III and Transition Services
- (16) Zumbrota Mazeppa Early Childhood Center, Zumbrota, MN - Federal Settings I through III Services
- (17) Zumbrota Mazeppa Primary, Zumbrota, MN - Federal Settings I through III Services
- (18) Zumbrota Mazeppa Elementary, Mazeppa, MN - Federal Settings I through III Services
- (19) Zumbrota Mazeppa Middle and High School, Zumbrota, MN - Federal Settings I through III and Transition Services

C. Available instruction and related services:

- (1) Audiology services
- (2) Occupational therapy
- (3) Physical therapy
- (4) Orientation and Mobility services
- (5) Nursing services
- (6) Music therapy services
- (7) Aquatic therapy services
- (8) Speech Language services
- (9) Autism Consultation
- (10) Assistive Technology Consultation
- (11) Psychology Services
- (12) Mental Health Services
- (13) Special Education in all disability areas including specialized Setting III and IV programs and secondary transition for 18 - 21 year olds.

III. Administration and Management Plan.

The GCED utilizes the following administration and management plan to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils:

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

Staff Name and Title	Contact Information (phone/email/ mailing address/office location)	Brief Description of Staff Responsibilities Relating to Child Study Procedures and Method of Providing Special Education Services	Additional Information
Cheryl Johnson, Executive Director	651-388-4441 cjohnson@gced.k12.mn.us 395 Guernsey Avenue Red Wing, MN 55066	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	

Nicole Bolduan, Director of Special Education/Principal	651-388-4441 nbolduan@gced.k12.mn.us 395 Guernsey Avenue Red Wing, MN 55066	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	
Sonia Smith, Director of Special Education	651-385-4506 srsmith@rwps.org 395 Guernsey Avenue Red Wing, MN 55066	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	
Jillynne Raymond, Assistant Director	651-388-4441 jraymond@gced.k12.mn.us 395 Guernsey Avenue Red Wing, MN 55066	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	
Wendy Ahern, Assistant Director	507-732-1414 wendya@zmsch.k12.mn.us 705 Mill St. Zumbrota, MN 55992	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	
Amy Buchal, Assistant Director	507-789-6186 abuchal@kw.k12.mn.us 400 6 th Street Kenyon, MN 55946	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	
Sharon Noble, Coordinator	507-263-6800 noble.sharon@cf.k12.mn.us 820 E. Minnesota Street Cannon Falls, MN 55009	Responsible for program development, coordination, and evaluation; and in-service training	
Casey Veiseth, Coordinator	651-923-4447 cveiseth@goodhue.k12.mn.us 510 3 rd Avenue Goodhue, MN 55027	Responsible for program development, coordination, and evaluation; and in-service training	
Jennifer Marquardt, Coordinator	651-388-4441 jmarquardt@gced.k12.mn.us 395 Guernsey Lane Red Wing, MN 55066	Responsible for program development, coordination, and evaluation; and in-service training	
Tracy Oliver, Coordinator	651-345-4551 toliver@lake-city.k12.mn.us 1156 W. Lakewood Avenue Lake City, MN 55041	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	

Perry Iberg, Coordinator	651-345-4553 piberg@lake-city.k12.mn.us 300 S. Garden St. Lake City, MN 55041	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	
Min MartinOakes, Coordinator	651-385-8000 mmmartinoakes@rwps.org 269 E. 5th St. Red Wing, MN 55066	Responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration	

B. Due Process assurances available to parents: The GCED 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) The GCED 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. The GCED 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, *The GCED* informs parents of other dispute resolution processes, including at least mediation and facilitated team meetings. The fact that an alternative dispute resolution process was used is admissible in evidence at any subsequent proceeding. State-provided mediators and team meeting facilitators shall not be subpoenaed to testify at a due process hearing or civil action under special education law nor are any records of mediators or state-provided team meeting facilitators accessible to the parties.
- (7) Descriptions of the mediation process, facilitated team meetings, state complaint, and impartial due process hearings may be found in the GCED's Procedural Safeguard Notice, attached as Appendix B.

IV. Interagency Agreements the District has Entered

The GCED has entered in the following interagency agreements or joint powers board agreements for eligible children, ages 3 to 21, to establish agency responsibility that assures that interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources:

Name of Agency	Terms of Agreement	Agreement Termination/ Renewal Date	Comments
Community Transition Interagency Committee	see Appendix C	see Appendix C	
Interagency Early Intervention Committee	see Appendix D	see Appendix D	

V. Special Education Advisory Council

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, The GCED has a Special Education Advisory Council.

- A. The GCED's Special Education Advisory Council is established in cooperation with all districts who are members of the GCED.
- B. The GCED's Special Education Advisory Council is not a subgroup of existing board/council/committees.
- C. At least half of the GCED's parent advisory councils' members are parents of students with a disability.

The district has a nonpublic school located in its boundaries and the parent advisory council includes at least one member who is a parent of a nonpublic school student with a disability, or an employee of a nonpublic school if no parent of a nonpublic school student with a disability is available to serve.

- D. The GCED's Special Education Advisory Council meets at least semi-annually.

E. The operational procedures of the GCED's Special Education Advisory Council are attached as Appendix E.

VI. Assurances

Code of Federal Regulations, section 300.201: Consistency with State policies. The GCED, 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 to the Minnesota Department of Education, annually, on or before November 15.

Appendix A

GCED Pre-referral Intervention and Referral Process

Pre-referral Interventions are selected by the Student Support Team (SST) in an attempt to assist the classroom teacher(s) in resolving the presenting problem within the general education setting. Pre-referral interventions shall be conducted prior to consideration for special education eligibility. In developing pre-referral interventions, the SST shall:

- a. review prior interventions conducted by the classroom teacher and/or others, noting the number, duration and appropriateness of the interventions;
- b. review data contained within the student's record, including results of group testing, health history/status, etc.; and
- c. review teacher logs, student work samples, etc.

The SST may elect to:

- a. utilize district curriculum measures with local norms;
- b. interview and/or consult with the parent;
- c. interview and/or consult with the student;
- d. obtain teacher checklists; and/or
- e. conduct an informal observation of the student.

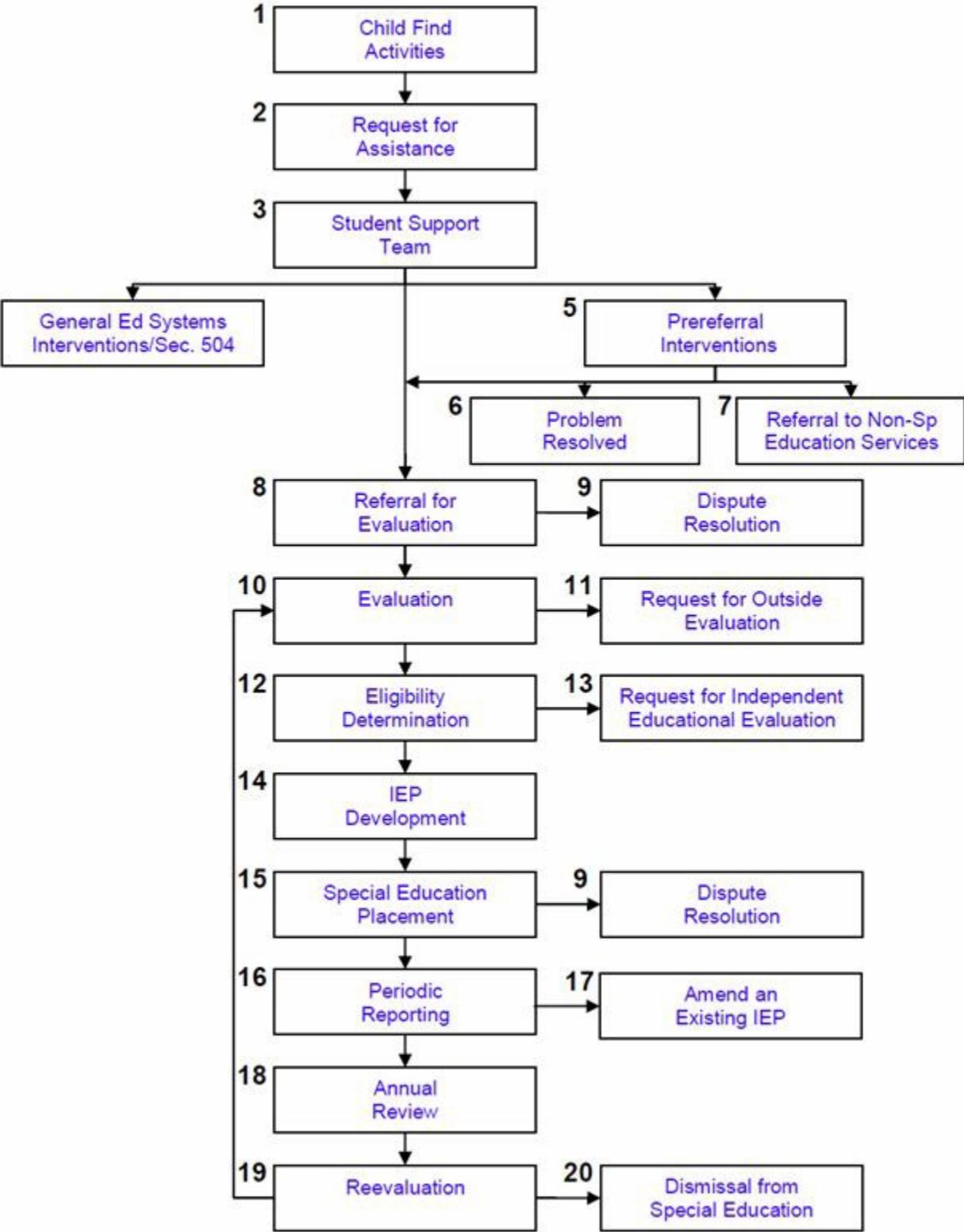
Based upon data obtained through the above procedures, the Team, in consultation with the classroom teacher (or parent, as appropriate), shall develop a plan of action designed to remediate the presenting problem. This plan is to be implemented by the teacher, parent and/or other general education personnel as part of the general education program. Through the consultation process, Team members and the teacher (or parent) collaboratively review, revise and evaluate the effects of the pre-referral intervention(s).

Although the SST must be granted flexibility in creatively attempting to resolve problems within the general education setting, no student specific, individually administered evaluation instruments/procedures normally used to determine eligibility for special education shall be administered, nor shall the student be placed within a special education classroom on a 'trial' basis or for behavior management purposes, nor shall the student be provided individualized instruction by special education personnel as part of a pre-referral intervention.

Referral for evaluation shall occur when:

- a. pre-referral interventions have proven unsuccessful in remediating the presenting problem and the SST/IEIC determines that an evaluation to determine eligibility for special education is warranted;
- b. the SST/IEIC determines that the student's need for the evaluation is urgent. (Reasons for urgency include: possible physical and/or sensory disabilities, possible speech impairments, or the student's behavior is a danger to self or others.)

DUE PROCESS PROCEDURES FLOWCHART



Nonpublic and Interagency Referral Receiving Referrals

Legal Citations

Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in § 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of §120A.22. Minn. Stat. § 125A.03(b).

Referral for evaluation may occur when:

- a. requested by school staff;
- b. requested by the parent or by a student over age 18; and
- c. requested by other agencies.

Overview of District Referral Process: GCED has a process in place to ensure that children ages birth to 21 years of age who may have a disability are identified and that the child's assessed special need are met. Children from birth to age three are referred by parents, physicians and other agencies to Help Me Grow Rice County (the central point of intake in the county). Referrals are forwarded to GCED's Birth to Three Early Childhood Special Education Team.

For school age children attending either attending a public or private school or children with disabilities who are of school age and are not attending school, referrals can be made to the appropriate GCED SST by calling the GCED Central Office at 651-388-4441. The SST will process the referral as appropriate.

Process for Referral Kindergarten – 12th Grade (including private or home school):
Request for Assistance: When a student grades K-12 is having difficulty within the general education setting and pre-referral interventions conducted by the classroom teacher have been unsuccessful in resolving the presenting problem, the Request for Assistance form shall be completed. This form may be completed solely by the referring person(s), or by the referring person in assistance from the building principal or others, as appropriate. When a parent who initiates the request, the student's teacher, or other staff as appropriate, shall contact the parent and complete the Request for Assistance Form. The completed form shall be given to the building principal (or designee) who shall place the Request on the agenda of a regularly scheduled SST meeting.

Requests for Assistance for nonpublic students shall be directed to the nonpublic building principal. The nonpublic principal shall forward the Request to the appropriate district building principal or GCED Central Office at 651-388-4441. Upon receipt of the Request, the building principal (or designee) shall place the Request on the agenda for the next regularly scheduled SST meeting.

SST: When general education resources are unable to resolve the presenting problem, the building administrator (or designee) shall schedule a SST meeting. The building administrator (or designee) is responsible for prioritizing cases to be presented to the Team; ensuring that the cumulative file, health record, etc. are made available to the SST; and for establishing a workable agenda for the meetings. The SST shall consist of the following personnel:

- a. the building administrator (or designee);
 - b. the student's teacher [When the student's teacher is unable to attend the SST meeting, the SST may appoint a member to interview the student's teacher(s), gather data and report back to the Team.];
 - c. building level support personnel (i.e., counselor, social worker, nurse, special education staff, etc.), as appropriate;
 - d. special education related services personnel (school psychologist, school social worker, occupational therapist, etc.), as appropriate;
- e. an EL instructor when the referred student is a non-native English speaker; and
- f. others as appropriate.

The function of the SST is to:

- a. behaviorally clarify the presenting problem;
- b. pull-together and consider existing information as it relates to the presenting problem;
 - c. gather additional information within the general education setting utilizing general education personnel and/or procedures; and
- d. determine appropriate course(s) of action in attempting to resolve the presenting problem.

Making Referrals

Legal Citations

The Interagency Early Intervention Committee must develop and implement interagency policies and procedures concerning the following ongoing duties:

(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.

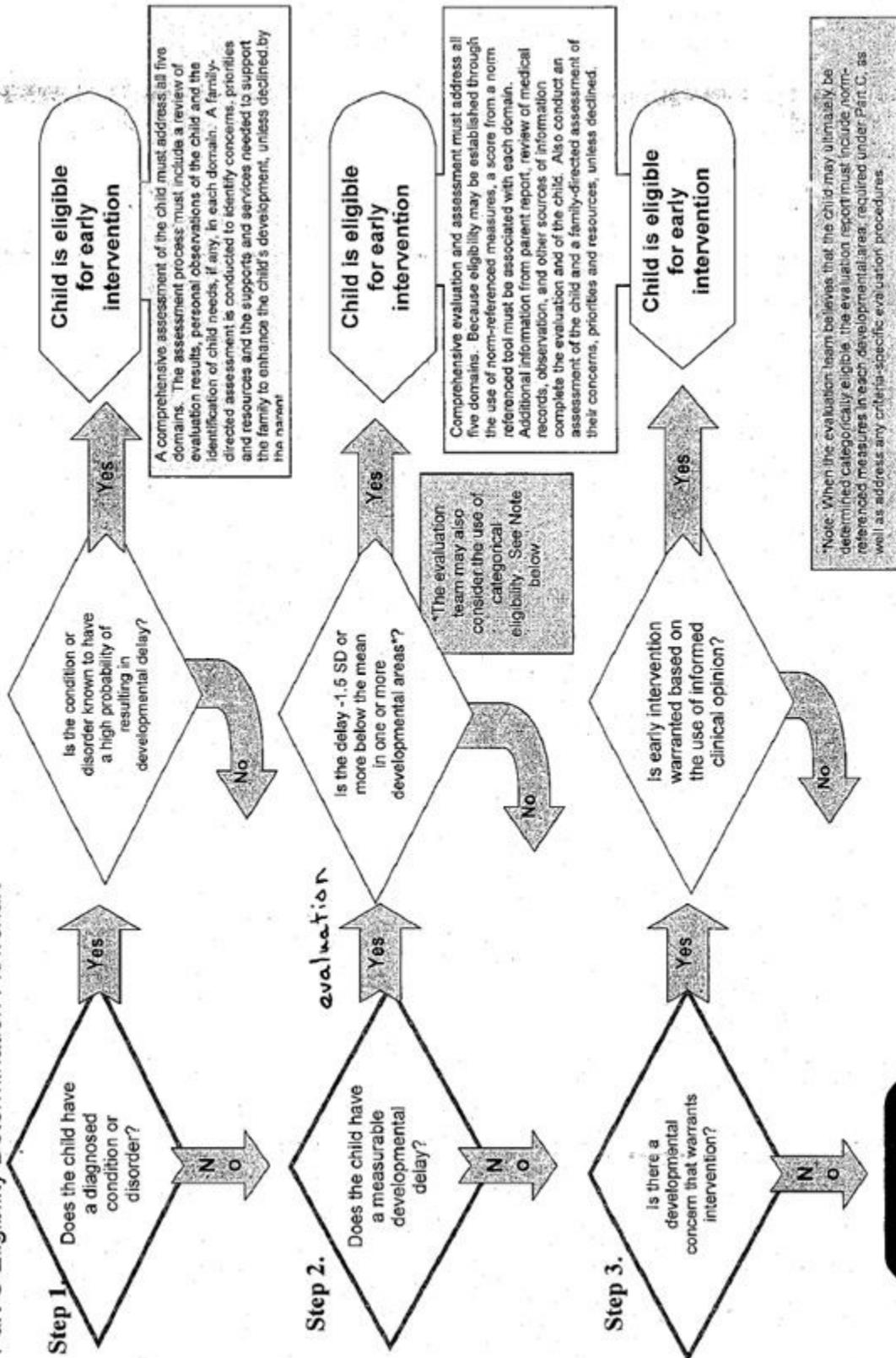
Minn. Stat. § 125A.30(b)(3).

Referrals for students ages birth to age three (birth - 2.11) shall be made to the Help Me Grow Region 10 Interagency Early Intervention Committee (IEIC) or by contacting the State Help Me Grow at 866-693-GROW (4769) or the [Help Me Grow](#) website.

The IEIC shall serve as the SST for such referrals.

Referrals for preschool children age three and above shall be made directly to the GCED Central Offices at 651-388-4441. The ECSE Coordinator serves as the central point of contact for referrals.

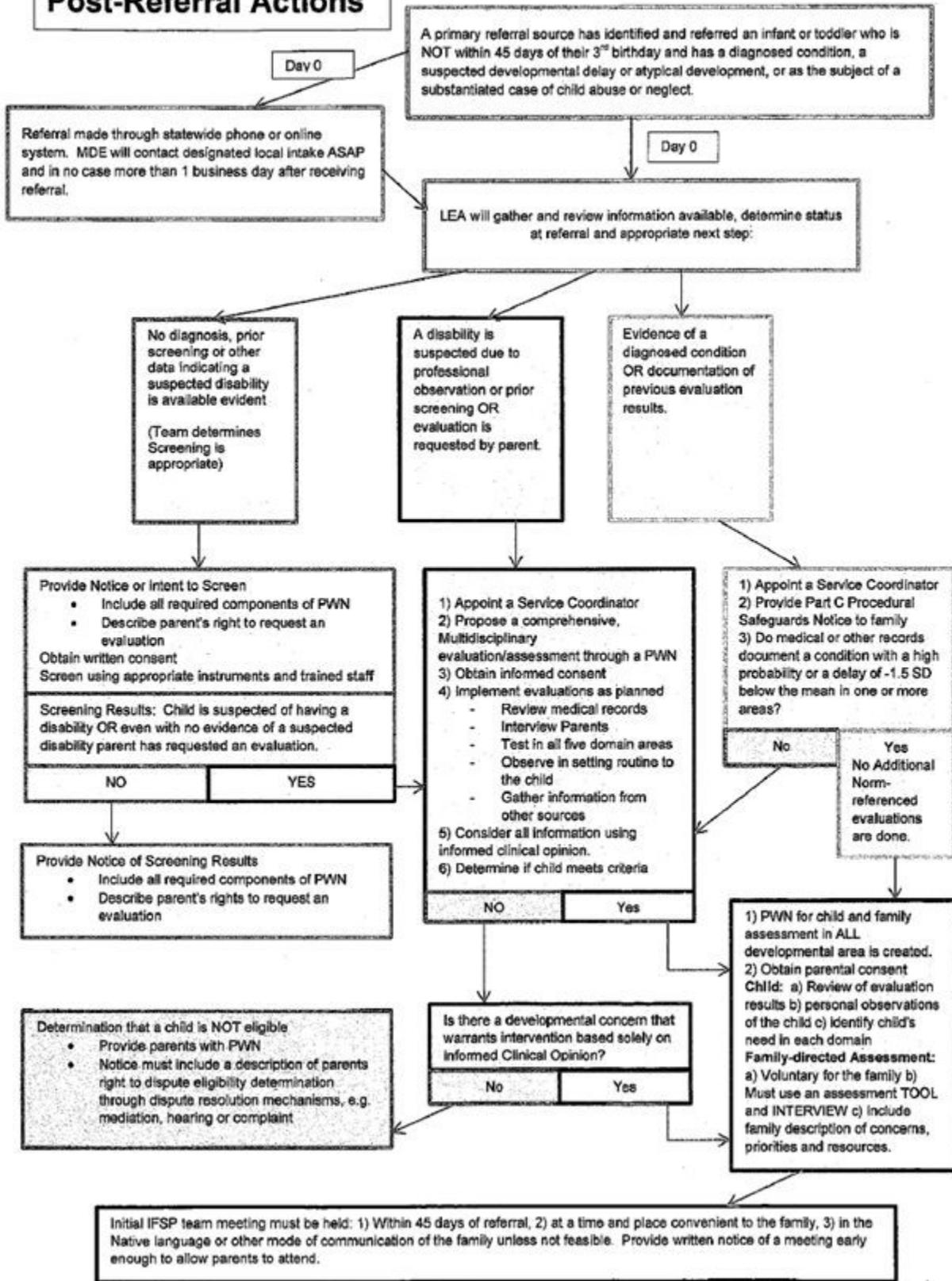
Part C Eligibility Determination Flowchart



*Note: When the evaluation team believes that the child may ultimately be determined categorically eligible, the evaluation report must include norm-referenced measures in each developmental area, required under Part C, as well as address any criteria-specific evaluation procedures.

Child is not eligible

Post-Referral Actions



Appendix B

Procedural Safeguard Notice

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

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

INTRODUCTION

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

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

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

PRIOR WRITTEN NOTICE

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

- the identification of your child;

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

This written notice must include:

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

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

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

FOR MORE INFORMATION

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

understandable mode of communication and that you understood the content of this notice.

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

contact: Name: Cheryl Johnson at 651-388-4441.

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

ARC Minnesota (advocacy for persons with developmental disabilities)

www.thearcofminnesota.org

651-523-0823

1-800-582-5256

Minnesota Association for Children's Mental Health www.macmh.org

651-644-7333

1-800-528-4511

Minnesota Disability Law Center

www.mndlc.org

612-334-5970 (Twin Cities Metro)

1-800-292-4150 (Greater Minnesota)

612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights) www.pacer.org

952-838-9000

1-800-53-PACER,

952-838-0190 (TTY)

Minnesota Department of Education

www.education.state.mn.us

651-582-8689

651-582-8201 (TTY)

ELECTRONIC MAIL

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

PARENTAL CONSENT

Definition of Consent

Consent means that you have been fully informed of all information relevant to the activity for which your consent is sought, in your native language, or through another mode of

communication. In order to consent you must understand and agree in writing to the carrying out of the activity for which your consent is sought. This written consent must list any records that will be released and to whom.

Revocation of Consent

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

When the District Must Obtain Your Consent

A. Initial Evaluation

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

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

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

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

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

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

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

C. Reevaluations

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

D. Transition Services

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

When Your Consent is Not Required

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

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

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

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

You have a right to object to any action the district proposes within 14 calendar days of when the district sends you the prior written notice of their proposal. If you object to the district's proposal, you have the right to request a conciliation conference, mediation, facilitated IEP team meeting or a due process hearing. Within ten calendar days from the date the district receives notice of your objection to its proposal or refusal in the district's prior written notice, the district will ask you to attend a conciliation conference.

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

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

Confidentiality and Personally Identifiable Information

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

relates.

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

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

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

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

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

Directory Information

Directory information can be shared without your consent. This type of information is data contained in an education record of your child that would not generally be considered harmful or an invasion of privacy if disclosed.

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

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

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

WRITTEN ANNUAL NOTICE RELATING TO THIRD PARTY BILLING FOR IEPHEALTH-RELATED SERVICES

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

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

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

INDEPENDENT EDUCATIONAL EVALUATIONS

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

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

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

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

EDUCATION RECORDS

Definition of an Education Record

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

Your Access to Records

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

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

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

- 1. An explanation or interpretation from the district of your child's records upon request;**
- 2. Have your representative inspect and review the records on your behalf;**
- 3. Request that the district provide copies of your child's educational records to you; and**

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

Transfer of Rights

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

Records on More Than One Child

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

List of Types and Locations of Information

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

Record of Access by Others

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

Consent to Release Records

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

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

Fees for Searching, Retrieving and Copying Records

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

Amendment of Records at Parent's Request

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

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

Transfer of Records

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

Destruction of Records

The district must inform you when personally identifiable information is no longer needed in order to provide education services to your child. That information must be destroyed at your request.

However, the school may retain a permanent record of your child's name, address, phone number, grades, attendance records, classes attended, grade level completed and year completed.

Under federal law, destruction means the physical removal of personal identifiers from information so that the information is no longer personally identifiable. Thus, the student's record does not need to be physically destroyed to comply with your request to destroy special education related records.

Districts can appropriately comply with this requirement by removing personally identifiable information from the student's records. The choice of destruction method generally lies with the school district.

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

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

MEDIATION

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

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

FILING A WRITTEN COMPLAINT

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

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

The complaint must be sent to:

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

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

MODEL FORMS

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

IMPARTIAL DUE PROCESS HEARING

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

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

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

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

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

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

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

Loss of Right to a Due Process Hearing

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

Procedures for Initiation of a Due Process Hearing

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

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

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

Both you and the district have the right to:

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

4. **Receive a free copy of the hearing transcript or electronic recording of findings of fact and decisions.**

As a parent, you, specifically, have the right to:

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

Responding to the Hearing Request

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

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

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

Disclosure of Additional Evidence Before a Hearing

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

The Hearing Decision

A hearing decision must be issued and provided to each party within 45 calendar days, or within an appropriately extended time period, upon the expiration of the 30-day resolution period after the due process complaint was received by the state agency. A hearing officer may

extend the time beyond the 45-day period if requested by either party for good cause shown on the record. A hearing officer must conduct oral arguments in a hearing at a time and place that is reasonably convenient to you and your child. A hearing officer's decision on whether your child received FAPE must be based on evidence and arguments that directly relate to FAPE. The hearing decision is final unless you or the district files a civil action. A hearing officer lacks the authority to amend a decision except for clerical and mathematical errors.

Separate Request for Due Process Hearing

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

Free or Low-Cost Legal Resources

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

COMPLAINT AND HEARINGS DATABASE

Final decisions on special education complaints and due process hearings are available to the public on the MDE website. MDE maintains a public database called [Recent Special Education Decisions](#). Decisions available in the database are redacted and all personally identifiable information is removed.

CIVIL ACTION

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

PLACEMENT DURING A HEARING OR CIVIL ACTION

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

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

1. Students may be removed from their educational setting for not more than 45 school days to an interim alternative educational placement for certain weapon, drug or serious bodily injury violations; and

2. A hearing officer's decision agreeing with you that a change in placement is appropriate as the "stay-put" placement during subsequent appeals.

EXPEDITED HEARINGS

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

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

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

Timelines for Expedited Hearings

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

Dismissal of Complaint

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

Placement by a Hearing Officer

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

Right to Appeal Decision

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

INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT

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

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

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

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

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

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

ATTORNEY'S FEES FOR HEARINGS

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

EXCLUSIONS AND EXPULSION OF PUPILS WITH A DISABILITY

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

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

DISCIPLINARY REMOVALS

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

1. The removal is for more than 10 school days in a row; or
2. Your child has been subjected to a series of removals that constitute a pattern because:
 - a. The series of removals total more than 10 school days in a year;
 - b. Your child's behavior is substantially similar to your child's behavior in previous incidents that resulted in a series of removals; and
 - c. Of additional factors such as the length of each removals, the total amount of time your child has been removed, and the proximity of the removals to one another.

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

CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

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

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

1. You expressed concern in writing to supervisory or administrative personnel at the district or to your child's teacher that your child is in need of special education and related services;
2. You requested an evaluation related to eligibility for special education and related

services under Part B of the IDEA; or

3. Your child's teacher or other district personnel expressed specific concerns about a pattern of behavior demonstrated by your child directly to the district's director of special education or to other district supervisory staff.

Exceptions to a District's Knowledge

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

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

Conditions that Apply if There is No Basis of Knowledge.

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

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

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

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

Transmittal of records

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

PRIVATE SCHOOL PLACEMENT

IDEA does not require the district to pay for the cost of educating your child, including special education and related services, at a private school if the district made FAPE available to your child and you chose to place your child in a private school. However, you may be able to recover

tuition expenses for a private school placement if you informed the district of your intent to enroll your child in a private school at public expense in a timely manner and if a hearing officer finds that the district did not promptly make FAPE available to your child prior to your child being enrolled in the private school and if the private placement is appropriate. You must inform the district of your intent to place your child in a private placement at public expense at the most recent IEP/IIIP meeting prior to removal of your child from public school or by written notice to the district at least 10 business days prior to removal of your child from public school.

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

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

Appendix C

Community Transition Interagency Committee

Region 10 Community Transition Interagency Committee (CTIC) Mission Statement

Minnesota will be a place where people with disabilities are living, learning, working and enjoying life in the most integrated setting.

Purpose of the Committee

Region 10 Community Transition Interagency Committee (CTIC) will develop and assure the implementation of interagency policies and procedures so that eligible students and their families are identified and have access to appropriate services and supports.

Glossary of Terms:

- CTIC– Community Transition Interagency Committee
- Regional CTIC – Region 10 CTIC
- SEAU – Special Education Administrative Unit
- RLIP – Regional Low Incidence Projects
- RLIF - Regional Low Incident Facilitator
- CTE - Career and Technical Education

Requirements of the Committee

Statutory Requirements:

[125A.22 COMMUNITY TRANSITION INTERAGENCY COMMITTEE.](#)

- A district, group of districts, or special education cooperative, in cooperation with the county or counties in which the district or cooperative is located, may establish a community transition interagency committee for youth with disabilities, beginning at grade 9 or age equivalent, and their families. Members of the committee may include representatives from special education, vocational and regular education, community education, postsecondary education and training institutions, mental health, adults with disabilities who have received transition services if such persons are available, parents of youth with disabilities, local business or industry, rehabilitation services, county social services, health agencies, and additional public or private adult service providers as appropriate. The committee may:
 1. identify current services, programs, and funding sources provided within the community for secondary and postsecondary aged youth with disabilities and their families that prepare them for further education; employment, including integrated competitive employment; and independent living;
 2. facilitate the development of multiagency teams to address present and future transition needs of individual students on their individualized education programs;
 3. develop 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. recommend changes or improvements in the community system of transition services; and
- 5. exchange agency information such as appropriate data, effectiveness studies, special projects, exemplary programs, and creative funding of programs.

Relationships/ Alignment / Priorities

Lead Agency and State Partners

- Minnesota Department of Education (MDE)
- Minnesota Department of Employment and Economic Development (DEED)
- Minnesota Vocation and Rehabilitation Services (VRS)
- Minnesota Workforce Development Inc. (WDI)
- Minnesota Department of Health (MDH)
- Minnesota Olmstead Plan
- Workforce Innovation and Opportunity Act

Local Agencies

- Region 10 Low Incidence Projects and Member Districts
 - [ALBERT LEA AREA SCHOOLS](#)
 - [AUSTIN PUBLIC SCHOOLS](#)
 - [AUSTIN ALBERT LEA AREA SPECIAL EDUCATION COOPERATIVE](#)
 - [CANNON VALLEY SPECIAL EDUCATION COOPERATIVE](#)
 - [FARIBAULT PUBLIC SCHOOLS](#)
 - [FILLMORE CENTRAL PUBLIC SCHOOLS](#)
 - [GOODHUE COUNTY EDUCATION DISTRICT](#)
 - [HIAWATHA VALLEY EDUCATION DISTRICT](#)
 - [MEDFORD PUBLIC SCHOOLS](#)
 - [MINNESOTA STATE ACADEMY](#)
 - [NORTHFIELD PUBLIC SCHOOLS](#)
 - [OWATONNA PUBLIC SCHOOLS](#)
 - [ROCHESTER PUBLIC SCHOOLS](#)
 - [SOUTHERN MINNESOTA EDUCATION CONSORTIUM](#)
 - [WINONA AREA PUBLIC SCHOOLS](#)
 - [ZUMBRO EDUCATION DISTRICT](#)
- County Social Services in all 11 counties in Region 10
 - Olmsted
 - Dodge
 - Steele
 - Freeborn
 - Rice
 - Goodhue

- Winona
- Wabasha
- Houston
- Fillmore
- Mower
- Community Based Service Providers
- MaxAbility Southern Minnesota Disability Employment Network

Operational Considerations

- Fiscal Host: The fiscal host for the Region 10 CTIC is the Zumbro Education District.
- Maintenance Of Documents: The Region 10 Low Incidence Projects will maintain CTIC 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. will be on <http://region10projects.org>.
- Process to change Operating Procedures:
 - Changes proposed at one meeting will be voted on at the meeting or within two weeks electronically. If electronic voting is needed, proper documentation explaining the proposed change will be sent with the request for electronic vote.

Demographics

- Geographic Area Served:
 - Region 10 Low Incidence Projects covers 11 counties
 - 6,770 square miles
 - Population of 497,763
 - Serving approximately 82,400 students.
 - Serving approximately 12,300 special education students.
 - Serving approximately 550 Birth – 2 students
- Counties Served:
 - Dodge
 - Goodhue
 - Houston
 - Olmsted
 - Fillmore
 - Freeborn
 - Wabasha
 - Winona
 - Rice
 - Mower
 - Steele
- Head Start Programs Served:
 - Tri Valley Migrant Head Start, Families First of Minnesota, Head Start- Freeborn & Olmsted Will SEMCAC Cover all county HeadStarts otherwise Fillmore has one, Three Rivers, & SEMCAC
- Reservation Served:

- Prairie Island Reservation
- School Districts Served:
 - 39 School Districts
 - 6 Non-Public Schools
 - 11 Charter Schools
 - 1 Online Charter
 - 2 Cooperatives
 - 3 Education Districts
 - 1 Consortium

Membership

- Terms Of Membership: Membership is at will and reviewed annually at the Spring CTIC meeting.
- Membership Representation:
 - Region 10 Low Incidence Facilitator
 - Special Educator Director
 - Special Education Teacher
 - Vocational Education / Career and Technical Education (CTE)
 - Regular Education
 - Community Education
 - Postsecondary education and training institutions
 - Mental health providers
 - Adults with disabilities who have received transition services (if available)
 - Parents
 - Local business or industry
 - MN Vocational Rehabilitation Services
 - County Social Services
 - MN Department of Health
- Additional Representative Membership:
 - Private Agencies
 - Public Agencies
 - School Nurses
 - Other Members
- A membership list is available upon request by the RLIF.

Meetings

- Meetings are open and available to the public to participate.
- Quarterly meetings will be held.
 - 1st Q: Summer July-September
 - 2nd Q: Fall October-December
 - 3rd Q: Winter January-March
 - 4th Q: Spring April-June
- Meeting Notification: Notices, agendas, and supporting documents will be sent out electronically (unless requested otherwise) prior to the meetings.

- Decision-Making Process/Voting: Decisions are determined by consensus whenever possible or by a vote of a simple majority of those in attendance.
- Distribution Of Meeting Minutes To Other Stakeholders, Interested Parties: Minutes will be distributed to parties and posted on the website at <http://region10projects.org>.
- Electronic Participation: It may be acceptable to attend/vote by contacting the Chair.

Officers

The Region 10 CTIC will have a Chair, Co-Chair, and Secretary. The officers will be elected by the members and serve for 1-2 years.

Duties:

- Chair: The Chair will work with the Co-Chair and Facilitator to develop and agenda and preside the meetings.
- Co-Chair: The Co-Chair will assist the Chair when appropriate and preside at the the meetings in the absence of the Chair.
- Secretary: The Secretary will take minutes.
- Facilitator: The Facilitator will work with the Officers to ensure the meetings are set up, organized, and members are invited. The Facilitator will also ensure minutes are posted on the website. Other duties as needed.

Appendix D

Interagency Early Intervention Committee

OPERATING PROCEDURES

Region 10 Help Me Grow Interagency Early Intervention Committee (IEIC)

Mission Statement

Promoting positive beginnings by identifying and serving eligible children and their families.

Purpose of the Committee

Region 10 Help Me Grow IEIC will develop and assure the implementation of interagency policies and procedures so that eligible children ages birth to five and their families are identified and have access to appropriate services and supports.

Glossary of Terms:

ICC – Governor’s Interagency Coordinating Council
IEIC – Interagency Early Intervention Committee
Regional IEIC – Region 10 Help Me Grow IEIC SEAU
– Special Education Administrative Unit
CoE – Centers of Excellence (project through MDE)
RLIP – Regional Low Incidence Projects

Requirements of the Committee

Statutory Requirements:

Purpose of Interagency Early Intervention Committee: MN 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

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 10 HELP ME GROW IEIC as ex officio members.

Governor's Interagency Coordinating Council (ICC):

The Region 10 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 10 Help Me Grow IEIC will collaborate with SEAUs to examine and distinguish local vs. regional priorities. Funding priorities will be established to help guide the funding decisions at the SEAU.

Other local agencies:

Linkages to local entities (community-based service providers) should be maintained. SEAUs and local agencies will collaborate to maintain established relationships.

Centers of Excellence for Young Children with Disabilities Project (COE):

The Region 10 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.

Operational Considerations**Fiscal Host:**

The fiscal host for the Region 10 Help Me Grow IEIC is the Zumbro Education District.

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 10 Help Me Grow IEIC is the Zumbro Education District. 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.

Maintenance of Documents:

The 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. will be on <http://region10projects.org>.

Help Me Grow

Minnesota's early intervention system - **Help Me Grow** - includes two programs for eligible children. **Help Me Grow: Infant and Toddler Intervention** are special services and supports for children birth through age two and their families. **Help Me Grow: Preschool Special Education** is for eligible children ages three to five years. Minnesota children eligible for Help Me Grow can receive services in their home, childcare setting or school. Help Me Grow services are free to eligible families regardless of income or immigrant status.

Website: <http://www.health.state.mn.us/divs/fh/mcshn/ecip.htm>

Process to change Operating Procedures:

Changes proposed at one meeting will be voted on at the meeting or within two weeks electronically providing electronic quorum has been met (see description of a quorum). If electronic voting is needed, proper documentation explaining the proposed change will be sent with the request for electronic vote. Within 30 days of the date the proposed change is received, it shall be submitted in writing to the IEIC Chair, who will then distribute the request to the Regional IEIC membership (as defined below). The membership shall have received the proposed amendment or amendments at least 14 days prior to the meeting.

Demographics

Geographic Area Served:

- Region 10 Low Incidence Projects covers 10 counties
- 6,770 square miles
- Population of 460,102.
- Serving approximately 80,600 students.
- Serving approximately 10,300 special education students.
- Serving approximately 4,000 Birth – 2 students

Counties Served:

Dodge, Goodhue, Houston, Olmsted, Fillmore, Freeborn, Wabasha, Winona, Rice, Mower, Steele

Head Start Programs Served:

Tri Valley Migrant Head Start, CCR&R Head Start- Freeborn & Olmsted, Three Rivers, & SEMCAC

Reservation Served:

Prairie Island Reservation

School Districts Served:

60 school districts, including the GCED

- 45 Public Schools
- 3 Education Districts
- 1 Consortium
- 11 Charter Schools

Membership

Terms of Membership:

Membership is at will and reviewed annually at the Spring IEIC meeting.

Mandated Sector Membership Representation:

- Health
- Education
- County Human Services
- County Board
- School Board
- Early Childhood Family Education Programs
- Head Start
- Parents Of Young Children With Disabilities Under Age 12
- Child Care Resource And Referral
- School Readiness Programs
- Current Service

Additional Representative Membership:

- Private Agencies
- Public Agencies
- School Nurses
- Other Members

Ex Officio Membership:

- MDE designee
- COE staff
- Regional Low Incidence Facilitator

Recruitment/Selection of Membership:

- Determined by the Region 10 Help Me Grow IEIC

Chair & Co-Chair:

- Chair (2 year term co-chair for one year and then chair for next year)
- Co-Chair (2 year commitment with expectation to move to chair the next year)
- Note Taker (1 year term)

Other Officers:

- ICC Representatives (2)

Meeting Facilitator:

The Chair/Co-Chair will be responsible to facilitate the Region 10 Help Me Grow IEIC meetings.

Assurance of Area Representation:

There will be 2 representatives from each county in the Region 10 IEIC including representation from the mandated sector membership. The representative will share information from those constituents.

Removal/Replacement:

Members of the Region 10 Help Me Grow IEIC who are unable to continue on the Regional IEIC: Priority will be to fill the vacancy with the mandated sector membership defined in statute. If unable, another representative from that county may serve.

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.

Motion created on terms of office on 9-25-12.

Officer List for 2020-2021:

Coordinator	Janet Hartman	jhartman@zumbroed.org
Chair	June Piepho	june.piepho@co.steele.mn.us
Co-Chair	Mollie Kook	molli.kook@winona.k12.mn.us
Note taker	Kim Welsh	kiwelsh@rochester.k12.mn.us
RLIF	Christian Wernau	cwernau@zumbroed.org

Meetings

Meeting Cycle:

Quarterly meetings will be held.

September 21, 2020 – Zoom

December 21, 2020 – Zoom

March 15, 2020 – Zoom

June 8, 2020 – Zoom

Meeting Notification:

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

Parliamentary Authority:

Roberts Rules of Order

Attendance:

Two consecutive absences without notifying the chair may result in dismissal from the Committee.

Designees may be assigned as follows:

When members are unable to attend scheduled Region 10 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:

Decisions will be via electronic means at the Chair's discretion.

Distribution or Meeting Minutes to Other Stakeholders, Interested Parties:

Minutes will be distributed to parties and posted on the website at <http://region10projects.org>.

Electronic Participation:

It may be acceptable to attend/vote by contacting the Chair.

Absentee Voting:

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

Standing Agenda Format:

The agenda format will follow the Roberts Rules

Quorum:

Quorum will be a simple majority of current membership.

Voting:

A quorum must be present to hold a vote. Decisions by the Region 10 Help Me Grow IEIC shall, to the extent possible, be made by consensus of members (and designees). If there is no consensus, decisions shall be made by a majority vote (51%) of the voting members (and designees).

Conflict:

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

Reimbursement Policies:

The Region 10 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, the Regional IEIC committee will not reimburse expenses.

Sub-pay and mileage will be reimbursed for work above and beyond the 4 scheduled meetings.

Year Region 10 IEIC Established: Fall 2011.

Appendix E

Operational Procedures of the GCED's Special Education Advisory Council

SPECIAL EDUCATION ADVISORY COUNCIL (SEAC) BYLAWS

I. Purpose of the Council

The purpose of the Special Education Advisory Council shall be to assist the district in its mission of Lifelong Learning for All by providing a collaborative forum in which parents of children receiving special education and the district can work together for the continuous improvement of special education services. SEAC is subject to the advisory committee guidelines as published by Minnesota State Statute 124A.24 and School Board Policy 213.1.

- The purpose of the council is to advise the GCED Director.
- SEAC provides a forum for discussion of district, local, state, and national programs and policies which affect special education services.
- SEAC provides input and recommendations regarding special education services.
- SEAC establishes and implements annual goals.

II. Membership of the Council

- A. Members will consist of family members of current special education students from a variety of disability areas; representatives from community agencies serving special need students; and school district staff. See Appendix A.

NOTE: One-half of the members of SEAC must be parents of children with disabilities.

1. Terms. Length of term varies according to area of representation. See Appendix A for specific areas and respective length of terms.
2. Attendance. Each SEAC member is expected to inform the GCED Director, the chair, or another member of the Executive Committee in advance if they will be absent. Three unexcused absences within the school year will result in loss of membership. Loss of membership will be considered for any member with three excused absences during the school year.
3. Vacancies. When a vacancy occurs, SEAC will participate in recruitment along with district administration. Interested candidates will submit an application to the GCED Director.

III. Operation of the Council

- A. Matters brought before SEAC shall include but not be limited to:

1. Recommendations for current or proposed special education practice, guidelines, policy, progress or services at the district, state, and federal level. A special education status report will be presented periodically by the GCED Director. The report may include topics requested by SEAC.
2. SEAC will be advisory in nature to the GCED Director regarding recommendations for current or proposed special education policy, programs, or services at the district level. The GCED Director will have final authority on how to proceed with recommendations.
 - a. Disputes: Every attempt will be made to resolve disputes at the SEAC level; if unresolved the dispute may be brought to the superintendent; if still unresolved, then to a school board member.
3. Information may be brought to SEAC by the members of SEAC, parents, the special education department, and the community at large. Information items will be submitted to the chair or chair elect of SEAC for consideration. Approved items will be added to future agendas.

- B. Protocol

1. Meetings:
 - a. Up to six meetings shall be held from September through May. Special meetings may be called or regular meetings cancelled, by a vote of majority of members present at regular meetings, or by the Executive Committee. SEAC shall determine its meeting times and meeting length. All meetings are open to the public.
 - b. The meeting in April or May will be an annual meeting at which time priorities for the year ahead will be discussed and election of officers will take place.
2. Meeting Procedures: Discussion, leading toward a consensus of the members, will be the prevailing procedure in SEAC meetings.
3. Agenda: Each meeting agenda will be developed by the chair in consultation with the GCED Director. Agenda items need to be submitted (for agenda consideration) to the chair or GCED Director. Agendas will be sent to SEAC members at least one week prior to the monthly meeting.
4. Minutes: Minutes will be distributed to the SEAC at least one week prior to the next SEAC meeting.
5. Officers: The officers elected for a one year term will be the chair, chair elect and secretary. The previous year's chair will serve as past chair. These officers will constitute the Executive Committee. Nominations for officers will be made by council representatives. See Appendix B regarding officers' responsibilities.
6. Committees: SEAC may appoint special or continuing subcommittees as needed. These will be composed of SEAC members and maybe supplemented with other lay citizens, staff members and students.
7. Consultants: SEAC or any of its subcommittees may request consultation from professionals within and outside the Goodhue County Education District and member districts on a volunteer basis. All requests for consultants to share information with SEAC need to be approved by the GCED Director.

MEMBERS

LENGTH OF TERM

Parents 10 Parents 1 Year
(Note: one-half of the members must be parents of children with a disability)

- (ASD) Autism Spectrum Disorders
- (DHH) Deaf and Hard of Hearing
- (D-B) Deaf-Blind
- (DCD) Developmental Cognitive Disability
- (EBD) Emotional or Behavioral Disorders
- (ECSE) Early Childhood Special Education
- (OHD) Other Health Disabilities
- (PI) Physically Impaired
- (SLD) Specific Learning Disability
- (SLP) Speech or Language Impairments
- (TBI) Traumatic Brain Injury
- (VI) Visually Impaired
- (SMI) Severe Multiple Impairment
(Eligibility in 2 or more of DHH, PI, DCD-SP, VI, EBD, ASD)
- (GEN) General Education

AGENCIES

2 Years

- Arc Southeastern Minnesota
- Goodhue County Mental Health
- Goodhue County Social Services

DISTRICT STAFF

2 Years

- Special Education Coordinator – 2
- Special Education Teacher - 2
- General Education Teacher - 2
- GCED Director

No term limit

Each special education position will rotate according to disability area. Each general education position will alternate between elementary and secondary levels.

NON-PUBLIC SCHOOL (1 member)

The council must include at least one member who is a parent of a nonpublic school student with a disability, or an employee of a nonpublic school if no parent of a nonpublic school student with a disability is available to serve.

SEAC EXECUTIVE OFFICERS' RESPONSIBILITIES

CHAIR (1 year term):

- Develop meeting agenda with GCED Director.
- Send approved agenda to the assistant of the GCED Director for distribution to SEAC members.
- Arrange for guest speakers with approval and assistance from the GCED Director.
- Facilitate meeting.

CHAIR ELECT (1 year term):

- Assist Chair with meeting agenda ideas.
- Assist with agenda/minute review and approval.
- Facilitate meeting when Chair is unavailable.
- Take minutes when secretary is unavailable.

SECRETARY (1 year term):

- Take minutes during SEAC meetings.
- Send minutes to Chair, Vice-Chair and GCED Director for corrections/approval.
- Send minutes to the assistant of the GCED Director for distribution to SEAC members.