



**Saint Paul Public Schools Total Special  
Education System (TSES) 2017**

Last Updated August 2017

**Saint Paul Public Schools  
Office of Specialized Services**



## **Saint Paul Public Schools Total Special Education System (TSES) 2017**

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# **Saint Paul Public Schools Total Special Education System (TSES) 2017**

This document serves as the Total Special Education System Plan for Saint Paul Public Schools in accordance with Minnesota Rule 3525.1100. This plan also includes an assurance for compliance with the federal requirements pertaining to districts' special education responsibilities found in United States Code, title 20, chapter 33, 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).

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## **I. Child Study Procedures**

The District's identification system is developed according to the requirement of nondiscrimination as Saint Paul Public Schools 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**

Saint Paul Public Schools 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 Saint Paul Public Schools to children from birth through two years of age who meet the outlined criteria.

The team determines that a child from birth through the age of two 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 subitem (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 three years through the age of six years is eligible for special education when:

- A. The child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in subitem (1) and the criteria in subitem (2). Saint Paul Public Schools 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, section 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(a)(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 care-givers, 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.

Saint Paul Public Schools conducts full and individual initial evaluations 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 re-evaluation.

### ***Evaluation Procedures***

Evaluations and reevaluations are conducted according to the following procedures:

- A. Saint Paul Public Schools shall provide notice to the parents of the pupil, according to Code of Federal Regulations, title 34, sections 300.500 to 300.505, that describes any evaluation procedures the district proposes to conduct.
- B. In conducting the evaluation, Saint Paul Public Schools:
  - (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. Saint Paul Public Schools 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, subitem (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.
  - A. The district intends to use restrictive procedures. (See attached Restrictive Procedures Plan.)
  - B. The district follows the restrictive procedure statute, Minnesota Statute 125A.094-125A.0942.

***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**

Saint Paul Public Schools' 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**

Saint Paul Public Schools 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 Saint Paul Public Schools' 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:

*Examples: one-on-one services, small group, direct, indirect, co-teaching, etc.*

Method of Providing the Special Education Services for the Identified Pupils in SPPS

Code	Method/Description
PO	Pull out: direct services provided by a special education teacher or related service provider in the special education setting

PI	Push in: direct services provided by a special education teacher or related service provider in the general education setting
CO	Co-teaching: general education teachers and special education teachers co-teach by sharing, planning, delivering and evaluating instructional techniques for a group of students
RR	Resource room: support that may include academic or behavioral remediation, assistance with assignments, organization, etc, from special education staff in the special education setting
IND	Indirect: services provided in the general education setting (Includes ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe. Indirect services may be provided by a special education teacher or related service provider to a general education teacher, special education teacher, related services provider, paraprofessional, support staff, parents, and public and nonpublic agencies to the extent that the services are written in the student's IEP and IFSP.)
ITIN	Itinerant instruction: service provider who travels to multiple buildings to provide direct or indirect services to special education students
HB	Homebound or home-based instruction
CT	Instruction in a hospital or other care and treatment facility
PSP	Primary service provider for ages birth-3 and 3-5 Inclusion setting

B. Sites available at which services may occur:

Specially-designed instruction is available in all schools in SPPS in all disability areas for students who need federal instructional setting I (up to 20% removal from general education). Students who need specially-designed instruction in federal instructional settings II (21-59%) or III (more than 60%) attend a school with the service available that is in their assigned geographical area based on the home address. Related services are assigned to schools based on student need. A chart of the services provided at different schools is attached as Appendix B.

In addition to regular school buildings, students receive special education services in other settings including home-based instruction, hospitals in Saint Paul treating students up to 18+ years of age, alternative learning centers (e.g., Gateway to College, etc.) as well as care and treatment facilities (e.g., juvenile detention center, Boys Totem Town, etc.). When there are doctor's orders that a student cannot attend school due to a medical condition, homebound service is also provided in the home).

Available instruction and related services:

*Examples: physical therapy, counseling, psychological services, social work services, etc.*

1. Audiology
2. Interpreting services
3. Nursing
4. Occupational therapy
5. Orientation and mobility
6. Physical therapy
7. Transportation
8. Psychological services
9. Social Work/Mental health
10. Speech/Language therapy

### III. Administration and Management Plan.

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

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

<b>Staff Name and Title</b>	<b>Contact Information (phone/email/ mailing address/office location)</b>	<b>Brief Description of Staff Responsibilities Relating to Child Study Procedures and Method of</b>	<b>Additional Information</b>
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		<b>Providing Special Education Services</b>	
See Appendix C	See Appendix C	See below.	none

**Description of Staff Responsibilities Relating to Child Study Procedures and Method of Providing Special Education Services:**

A school administrator (e.g., principal, assistant principal) is responsible for direct administration and management of special education staff and services in each school in SPPS. The Director of the Office of Specialized Services (OSS) and OSS supervisors work with school administrators to carry out these duties to ensure effective and efficient child study procedures and method of providing special education services. A school administrator attends child study meetings and facilitates referrals to special education. All schools provide different methods of providing service including direct instruction, indirect/consultation, resource room, push-in, pull-out and co-teaching, etc., but all schools do not provide all methods of providing service listed under II A.

The method of providing special education services is guided by the needs of individual students with disabilities as indicated on the IEP. School and OSS administrators with input from school staff and OSS coaches determine the method of providing special education services by: (1) analyzing multiple student benchmark/achievement measures; (2) identifying individual instructional levels of students with disabilities and (3) identifying the number of students with disabilities and other special needs at different instructional and grade levels.

Due Process assurances available to parents: Saint Paul Public Schools 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) Saint Paul Public Schools 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. Saint Paul Public Schools 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, Saint Paul Public Schools 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 Saint Paul Public Schools Procedural Safeguard Notice, attached as Appendix D.

**IV. Interagency Agreements the District has Entered**

Saint Paul Public Schools 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
Amherst H Wilder Foundation	Wilder Foundation to assist with Project Kofi, Hlub Zoo and Early Intervention services in Early Childhood Special Education. This agreement helps provide equitable	2015-16 to be renewed for 2016-17	

	programming to students and remove barriers to learning that will result in increased academic achievement.		
Community Action Head Start (HS)	A Memorandum of Understanding between SPPS and HS to support developmental screening, family education, pre-kindergarten programs and Early Childhood Special Education.	2015-16 to be renewed for 2016-17	
Goodwill/Easter Seals Minnesota	Goodwill provides 10 transition employment training slots each semester for students needing transition services.	9/15/16-5/31/17	
Opportunity Partners, Inc.	Opportunity Partners provides paid work trial experience in local establishments for students with transition needs.	7/1/16-6/30/17	

## V. Special Education Advisory Council

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, Saint Paul Public Schools has a special education advisory council.

- A. Saint Paul Public Schools' Special Education Advisory Council is individually established.
- B. Saint Paul Public Schools' Special Education Advisory Council is not a subgroup of existing board/council/committee.
- C. Approximately  $\frac{2}{3}$  of parent advisory councils' members are parents of students with a disability.
- D. The district has nonpublic schools located in its boundaries and the parent advisory council and OSS administration has solicited parents of a nonpublic school student with a disability, or an employee of a nonpublic school but has had no volunteers.

Each local council meets no less than once each year.

- E. Saint Paul Public Schools' Special Education Advisory Council meets monthly from September-May of each school year.
- F. The operational procedures of Saint Paul Public Schools' Special Education Advisory Council are attached as Appendix E.

## VI. Assurances

Code of Federal Regulations, section 300.201: Consistency with State policies. Saint Paul Public Schools, in providing for the education of children with disabilities within its jurisdiction,



has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under sections 300.101 through 300.163, and sections 300.165 through 300.174. (Authority: 20 U.S.C. § 1413(a)(1)).

Yes: Assurance given.

**Saint Paul Public Schools Total Special  
Education System (TSES) 2017**

SPPS Restrictive Procedures Plan

# **Restrictive Procedures Plan**

## **Saint Paul Public Schools Office of Specialized Services**

In August of 2011, the state of Minnesota established standards regarding the use of Restrictive Procedures with students identified with disabilities in Minnesota public schools. On July 1, 2013 and May 21, 2014, amendments to Minnesota Statutes sections 125A.0941 and 125A.0942, with respect to the use of restrictive procedures on children with disabilities in Minnesota public schools went into effect.

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Saint Paul Public Schools (SPPS) is committed to using positive behavioral interventions and supports to ensure that all students' needs are being met. Positive Behavior Interventions and Supports (PBIS) is a proactive approach to establishing the behavioral supports and culture needed for all students to achieve social, emotional and academic success. Saint Paul Public Schools utilizes PBIS as an implementation framework designed emphasizing the use of data to inform decisions about the selection, implementation, and progress monitoring of evidence-based behavioral practices and organizing resources and systems to improve implementation fidelity.

Minn. Stat. 125A.0941(d)

## **Restrictive Procedures**

### **Major change in Use of Restrictive Procedures, September 1, 2014:**

**\*As of September 2014, the Saint Paul Public Schools intends to use Physical Holding as its only Restrictive Procedure. The use of seclusion will be discontinued effective September 1, 2014.**

Effective as of the 2014-2015 school year, SPPS intends to use only the following Restrictive Procedures:  
Physical Holding

Saint Paul Public Schools intends to use the following types of physical holding:

- Crisis Prevention Institute's (CPI) Children's Control Position
- Crisis Prevention Institute's (CPI) Team Control Position

Minn. Stat. 125A.0942, Subd. 1(1)

## **Definitions**

**Restrictive Procedures: The use of physical holding or seclusion in an emergency.** Restrictive procedures must not be used to punish or otherwise discipline a student.

Minn. Stat. § 125A.0941(f).

**Physical Holding: Intending to hold a student immobile or limit a student's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a student in order to protect a student or other individual from physical injury.**

Minn. Stat. § 125A.0941(c).

The term physical holding does not mean physical contact that:

- Helps a student respond or complete a task
- Assists a student without restricting the child's movement
- Is needed to administer an authorized health-related service or procedure
- Is needed to physically escort a student when the student does not resist or the student's resistance is minimal
- Physical holding may not be used to punish or otherwise discipline a student.

Minn. Stat. 125A.0941(f)

**Saint Paul Public Schools does not use prone restraint.**

**Seclusion\*:** means confining a child alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

Minn. Stat. § 125A.0941(g).

The term seclusion does not mean removing a student from an activity to a location where the student cannot participate in or observe the activity.

Minn. Stat. 125A.0941(f)

**Emergency: A situation where immediate intervention is needed to protect a student or other individual from physical injury.** Emergency does not mean circumstances such as a student who:

- Does not respond to a task or request and instead places his or her head on a desk or hides under a desk or table;
- Does not respond to a staff person's request unless failing to respond would result in physical injury to the student or other individual;
- Has regained control after an emergency incident has already occurred and no threat of physical injury currently exists.

Minn. Stat. § 125A.0941(b)

### **Monitoring the Use of Restrictive Procedures**

Saint Paul Public Schools monitors and reviews the use of Restrictive Procedures in the following manner:

**Documentation:** Each time physical holding is used with a student with disabilities, the staff person who implements or oversees the physical holding shall document, as soon as possible after the incident concludes, but within 24 hours, the following information on the school district online custom website:

- A description of the incident that led to the physical holding
- Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical
- The time the physical holding or began and the time the student was released
- A brief record of the student's behavioral and physical status

Minn. Stat. 125A.0942, Subd. 1(2)

**The District's Restrictive Procedures Website for documentation can be found at <http://it.spps.org> > Staff Resources > Custom Websites > Restrictive Procedures or through this link: <https://spedrestproc.spps.org/>.**

Additional information regarding Restrictive Procedures can be found at <http://www.spps.org/site/Default.aspx?PageID=23553> or through the Minnesota Department of Education website at <http://education.state.mn.us/MDE/dse/sped/restr/>.

Minn. Stat. 125A.0942, Subd. 1(2)

**Post-Use Debriefings:** Each time physical holding is used, the staff person who implemented or oversaw the physical holding shall conduct a post-use debriefing with the staff involved, ideally within 24 hours, but no later than 48 hours after the incident concludes.

The post-use debriefing will review the following requirements to ensure the physical holding was used appropriately:

- Whether the physical holding was used in an emergency.  
Minn. Stat. 125A.0942, Subd. 3 8
- Whether the physical holding was the least intrusive intervention that effectively responds to the emergency.  
Minn. Stat. 125A.0942, Subd 3(1)9
- Whether the physical holding ended when the threat of harm ended and the staff determined that the student could safely return to the classroom or activity.  
Minn. Stat. 125A.0942, Subd. 3(2)10
- Whether the staff directly observed the student while physical holding was being used.  
Minn. Stat. 125A.0942, Subd. 3(3)11
- Whether the documentation was completed correctly.  
Minn. Stat. 125A.0942, Subd. 3(4)
- Whether the parents were correctly notified.  
Minn. Stat. 125A.0942, Subd. 2(b)12 and  
Minn. Stat. 125A.0942, Subd. 2(d)13
- Whether an IEP team meeting needs to be scheduled.  
Minn. Stat. 125A.0942, Subd. 2(c)14
- Whether the appropriate staff used physical holding.  
Minn. Stat. 125A.0942, Subd. 2(a)
- Whether the staff that used physical holding was appropriately trained.  
Minn. Stat. 125A.0942, Subd.

If the post-use debriefing determines that physical holding was not used appropriately, Saint Paul Public Schools will ensure that immediate corrective action is taken, via review of statutes on Restrictive Procedures, mandating additional training or refresher training in area of infraction, formal reprimand or application of other formal disciplinary procedures.

#### **Links to Mental Health Services:**

- Ramsey County Children's Crisis Hotline, available 24/7  
651-266-7878
- Amherst Wilder Foundation, Children's Mental Health  
651-280-2310
- Family Innovations, Children's Mental Health  
651-407-3631
- Family Circle Counseling, Children's Mental Health  
651-646-1488
- Prairie Care **888-9-prairie**, Needs Assessment
  - A Needs Assessment is not a full psychiatric evaluation, but rather a comprehensive assessment which determines the most appropriate mental health services to address an individual's needs. This may include, but is not limited to: outpatient clinic services, intensive outpatient programs, partial hospital, inpatient hospital, residential treatment, or substance abuse treatment.

#### **Oversight Committee:**

Saint Paul Public Schools had identified an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used school-wide and for

individual students; the number and type of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; and proposed actions to minimize the use of restrictive procedures; and includes a written description and documentation of the training staff completed under subdivision 5.

Minn. Stat. § 125A.0942, subd.1(a).

Schools annually must publicly identify oversight committee members who must at least include:

- (1) A mental health professional, school psychologist, or school social worker
- (2) An expert in positive behavior strategies
- (3) A special education administrator
- (4) A general education administrator

Minn. Stat. § 125A.0942, Subd. 1(b)

Saint Paul Public Schools oversight committee meets quarterly. The committee consists of the following members:

District Coach for Specialized Services Compliance  
 District Coach/Lead Social Worker  
 General Education Building Principal  
 Specialized Services Building Principal  
 District Coach for Secondary Specialized Services – Restrictive Procedures and Training  
 Office of Specialized Services Supervisor

### **Staff Training**

Saint Paul Public Schools provides a range of tiered strategies as a proactive approach to teaching positive behaviors skills, thereby reducing students' challenging behaviors and the need for the use of restrictive procedures. Saint Paul Public Schools maintains a list of trainings offered in the District each year (through the online staff development system, PD Express) in order to staff to meet the knowledge areas listed below, including Nonviolent Crisis Intervention and training on de-escalation techniques. The District will also maintain documentation of the staff members who attend those trainings.

Saint Paul Public Schools staff has received training in the following skills and knowledge areas:

- Positive Behavioral Interventions
- Communicative Intent of Behaviors
- Relationship Building
- Alternative to Restrictive Procedures, including techniques to identify events and environmental factors that may escalate behavior
- De-escalation Methods
- Standards for Using Restrictive Procedures
- Obtaining Emergency Medical Assistance
- Physiological and Psychological Impact of Physical Holding and Seclusion
- Monitoring and responding to a child's physical signs of distress when physical holding is being used
- Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used

Minn. Stat. 125A.0942, Subd. 1(3) and Subd. 5

In order to be considered trained in the use of Restrictive Procedures, staff must complete training in:



- Nonviolent Crisis Intervention, developed by the Crisis Prevention Institute: 8 hours of initial training; 3-4 hour refresher training every other school year. Refresher Training options Include:
  - Basic Refresher Training in Nonviolent Crisis Intervention
  - Understanding Goals, Power and Relationships
  - Establishing Therapeutic Rapport
  - How-To Strategies for Dealing With Challenging Individuals
  - Enhancing Verbal Skills
  - Breaking Up Fights
  - Refresher – Autism Spectrum Disorders
  - Restrictive Procedures Documentation and Skills Training

A master list of staff trained in the use of Restrictive Procedures will be maintained and updated quarterly. Staff may inquire about their current certification in the use of Restrictive Procedures.

**Procedures to follow if a Restrictive Procedure is used:**

1. Parent Notification: School staff shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the student, or if the school is unable to provide same-day notice, notice is sent to the parent by written or electronic means within two days (48 hours) of the procedure being used or as otherwise indicated in the student's IEP.
2. Reporting of Use of Restrictive Procedure: Either the staff person who implements or the staff person who oversees the use of a restrictive procedure shall inform the building administrator of the use of the restrictive procedure as soon as possible and shall complete the online restrictive procedures form within two days (48 hours). The restrictive procedures report form must include:
  - A description of the incident that led to the use of the restrictive procedure;
  - State why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
  - State the time the restrictive procedure began and the time the student was released from the hold; and
  - Give a brief record of the student's behavioral and physical status during and after the use of the restrictive procedure.
3. Staff Debriefing after Use of Restrictive Procedure: Staff involved in the use of the restrictive procedure are expected to debrief after every use of a restrictive procedure. This debriefing could occur during completion of the online restrictive procedures reporting form.
4. Including Plan for Use of a Restrictive Procedure in Student's IEP: A student's IEP team may include a plan for using a restrictive procedure in the student's IEP but may only use the restrictive procedure in situations that constitute an emergency. If a plan is included in the student's IEP, the IEP must also indicate how the parent wants to be notified when a restrictive procedure is used. The district must review use of restrictive procedures at a student's annual IEP meeting when the student's IEP provides for using restrictive procedures in an emergency.
5. Use of Restrictive Procedure Twice in 30 Days: If a restrictive procedure is used on two separate days within 30 calendar days or if a pattern of use of the restrictive procedure emerges and the student's IEP or behavior intervention plan does not provide for using restrictive procedures in an emergency, the district must hold an IEP meeting within ten calendar days after district staff use the second restrictive procedure. The parent or the district may call this meeting after restrictive procedures have been used. At this meeting the team must:
  - Review the student's Functional Behavior Assessment (FBA);

- Review other data connected to the behavior(s) that prompted the use of the restrictive procedure;
- Consider developing additional or revised positive behavioral interventions and supports;
- Consider actions that could be taken to reduce the use of restrictive procedures;
- Consider developing a Behavior Intervention Plan (BIP) or modifying an existing BIP or consider other revisions to the student's IEP;
- Review any known medical or psychological limitations, including any medical information the parent provided voluntarily, that contraindicate the use of a restrictive procedure; and
- Consider whether to prohibit a restrictive procedure and, if so, document any prohibition in the student's IEP.

If the district uses restrictive procedures with a child on 10 or more cumulative school days during the same school year, the team, as appropriate, must consult with other professionals working with the student; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the student.

Minn. Stat. § 125A.0942, subd. 2(d).

### **Prohibited Procedures**

Saint Paul Public Schools will never use the following prohibited procedures on a student:

- Engaging in conduct prohibited under section 121A.58 (corporal punishment)
- Totally or partially restricting a student's senses as punishment
- Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment
- Requiring a student to assume and maintain a specified physical position, activity, posture that induces physical pain
- Denying or restricting a student's access to equipment or devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the student's functioning, except when temporarily removing the equipment or device as needed to prevent injury to the student or others or serious property damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible.
- Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting maltreatment of minors)
- Withholding regularly scheduled meals or water
- Denying access to bathroom facilities
- Physical holding that impairs a student's ability to breathe

Minn. Stat. 125A.0942, Subd. 4(1-9)



**ADDENDUM B: Restrictive Procedures Quick Guide**

## Restrictive Procedures Standards and Requirements – Quick Reference Sheet

## Staff Training Requirements:

- Staff **MUST** be trained in Nonviolent Crisis Intervention and Restrictive Procedures **PRIOR** to the use of any physical hold with a student.
- Staff must maintain their certification status by attending a refresher course every other school year. Courses are listed on PD Express. Any course listed under SPED with “Nonviolent Crisis Intervention and Restrictive Procedures” in the title is considered a refresher course to maintain certification.

## Minnesota State Statute:

- Restrictive Procedures may only be used in an **EMERGENCY** situation where there is imminent danger of physical harm to the student or others.
- Restrictive Procedures regulations apply only to special education students.
- Saint Paul Public Schools no longer allows the use of seclusion. Physical holding is the only restrictive procedure to be used in SPPS.
- Use of Restrictive Procedures must be documented into the SPPS Restrictive Procedures website within two days (48 hours): The website can be found at [it.spps.org](http://it.spps.org)> Custom Websites > Restrictive Procedures

## Special Education and Due Process Considerations

- A student must have a Functional Behavioral Assessment in place prior to the use of Restrictive Procedures.
- Parents must be notified of the use of a restrictive procedure as quickly as possible, but within two days (48 hours) of use. Notification will occur by the method indicated by parents and documented on the student’s IEP.
- The team must conduct a post-use debriefing session each time a Restrictive Procedure is used to review the details of the physical hold and to plan for ways to reduce the use of Restrictive Procedures in the future.
- An IEP team meeting must be convened under the following circumstances:
  - If a Restrictive Procedure is used on two separate days within a 30 calendar day period, OR
  - If a pattern of use emerges and the student’s IEP does not provide for using Restrictive Procedures in an emergency, OR
  - Upon parent request or district request following the need to use a Restrictive Procedure
- If the district uses restrictive procedures with a child on 10 or more cumulative school days during the same school year, the team, must consult with other professionals working with the student; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the student

**ADDENDUM C: Reasonable Force Standard** (MN Statute 121A.582)Subdivision 1. REASONABLE FORCE STANDARD.

(a) A teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

(b) A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

(c) Paragraphs (a) and (b) do not authorize conduct prohibited under sections 121A.58 and 121A.67.

Subdivision 2. Civil liability.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a civil action for damages under section 123B.25.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a civil action for damages under section 123B.25.

Subdivision 3. Criminal prosecution.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a criminal prosecution under section 609.06, subdivision 1.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a criminal prosecution under section 609.06, subdivision 1.

Subdivision 4. Supplementary rights and defenses.

Any right or defense in this section is supplementary to those specified in section 121A.58, 121A.67, 123B.25, or 609.06, subdivision 1.

**609.06 AUTHORIZED USE OF FORCE.**Subdivision 1. When authorized.

Except as otherwise provided in subdivision 2, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

(a) in effecting a lawful arrest; or

(b) in the execution of legal process; or

(c) in enforcing an order of the court; or

(d) in executing any other duty imposed upon the public officer by law; or

(2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or

(3) when used by any person in resisting or aiding another to resist an offense against the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or

- (5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or
- (6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or
- (7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or
- (8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or
- (9) when used to restrain a person who is mentally ill or mentally defective from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or
- (10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

#### 609.379 PERMITTED ACTIONS.

##### Subdivision 1. Reasonable force.

Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:

- (a) when used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil; or
- (b) when used by a teacher or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child when necessary to restrain the child from self-injury or injury to any other person or property.

# **Saint Paul Public Schools Total Special Education System (TSES) 2017**

## Appendix A: Plan for Receiving Referrals

- a. SPPS Child Find and Referral Process for Special Education
- b. Special Education Process for Referrals Birth to Age 3
- c. Referral Form Early Childhood Special Education Birth-3 Team
- d. SPPS Early Childhood Special Education Process Map for Referrals for 3-5 Year Olds
- e. Pre-K Referral for Early Childhood Special Education Evaluation
- f. Sample Referral for Special Education Evaluation Form

## **SPPS Child Find and Referral Process for Special Education**

### Referral Process for Students Birth to Pre-K:

The Minnesota Help Me Grow website is the primary method for obtaining referrals B-5. Referral sources include: hospitals, physicians, parents, child care programs, private preschools, early childhood screening, public health facilities, Head Start, Early Head Start, Early Childhood Family Education, SPPS PreK, child protection, and public health. The ECSE website contains Help Me Grow information and phone/fax numbers to contact ECSE programs directly.

### Birth to Three Referrals:

Referrals are obtained primarily through Help Me Grow and occasionally via fax or phone calls. The B-3 clerk opens a file including calculating the 45 school day due date. The B-3 Lead Teacher reviews the information, conducts a parent interview and assigns the child to an evaluation case manager. The team schedules a screening or evaluation as soon as possible in the home or a location preferred by the family in order to meet the 45 day timeline. If a child is screened and data does not support an evaluation, a Prior Written Notice is issued. If a child is determined eligible for Part C services, an evaluation report is shared with the family and an IFSP is developed.

### ECSE Referral and Evaluation 3-5:

Referrals are obtained primarily through Help Me Grow. A clerk receives the referral and opens a file. The lead teacher reviews referral information and collects additional information from parents to determine whether an evaluation is warranted. Evaluations are conducted at the evaluation office or at a location convenient to parents including home, child care or preschool. The evaluation is conducted within 30 days of obtaining permission to evaluate. After the evaluation is complete, the child study team determines the placement and the receiving team must complete an IEP within 30 days.

### PreK Referrals:

PreK4 classrooms are located in SPPS Elementary schools. Resources for PreK referrals are included in the Schoology group for Office of Early Learning accessible to all PreK teachers. The referral form includes information from the teacher, early childhood screening results and parents and is e-mailed directly to an ECSE coach at the ECSE Evaluation team. The team responds to the referral and determines whether data supports an evaluation. If the concern is only in the area of communication, the referral is given to the elementary speech/language pathologist who is able to respond quickly to the referral and determine whether interventions are warranted or whether an evaluation is recommended. If a comprehensive evaluation for a developmental delay is recommended, the ECSE evaluation team conducts the evaluation.

### Head Start Referrals:

Head Start referrals are sent directly to the ECSE Evaluation team office. The team collects additional information including parent input through observation and determines whether a special education evaluation is warranted.

### School Age: Kindergarten-12<sup>th</sup> Grade+ Referrals:

Minnesota special education regulations require that two pre-referral interventions are implemented in general education prior to proceeding with a referral to the Child Study Team (CST) for a special education evaluation. Prior interventions are carried out in general education unless the interventions are waived due to an urgency to begin evaluation. (See *Special Education Referral Process for Initial Evaluation Flow Chart*). The intervention procedures require the general education teacher to complete two prior interventions in the areas that are challenging learning and/or behavior. The teacher must implement the interventions and collect documentation data on the impact and effectiveness of the interventions. If there are multiple areas of need, such as reading and behavior, then interventions must be completed for each area of need. If there are multiple concerns within an



area of need, such as reading comprehension and vocabulary, the intervention should focus on the priority concern.

The CST receives referrals for special education evaluations. The CST may waive the prior intervention requirement, if there is evidence of a disability. Prior interventions are not used to delay or deny a student with a suspected disability access to evaluation and possible service.

Most schools also have a Student Assistance Team (SAT) that provides assistance in developing, implementing and measuring progress for prior interventions. If the determination is made that the prior interventions are not successful, the general education teacher starts an online *Referral for Special Education Evaluation* for the student (see sample referral form). The General Education teacher must provide specifics on the interventions including the baseline data, resulting data, and analysis, curriculum-based assessment data, and information about the specific concerns

Once the online referral is completely filled out, the referral is sent electronically to the building administrator for review. The building administrator must determine whether:

- (a) All general education resources have been exhausted;
- (b) Appropriate data have been collected and are included in the referral;
- (c) The child will be referred to the CST for determination of an evaluation.

#### Parent Referrals:

Parents may refer a student for a special education evaluation. SPPS responds to either a verbal or written request to any school staff from a parent for a special education evaluation.

A staff person who receives a parent request for special education evaluation informs the principal as soon as possible. The principal contacts the parent to understand the concerns, describe the use of general education interventions as a means of potentially addressing the student's needs, and determine if the parent wishes to have interventions conducted or move directly to an evaluation. If there is agreement to implement interventions, then the general education teacher plans two prior interventions. If the interventions are not successful, an online referral is completed and sent to the CST. At this point, the CST obtains input from the parent and reviews student performance data to determine if a special education evaluation is appropriate.

#### Nonpublic/Home-Schooled Referrals:

Nonpublic school staff within St. Paul have been trained on and have access to a specially-designed electronic special education referral process. The school psychologist assigned to the nonpublic school works with the public school staff to facilitate the referral process. To support nonpublic teaching staff in identifying and planning intervention strategies for students who are challenged in learning or in managing their behavior, SPPS makes training available. The school psychologist works with the CST to obtain input from the parent and reviews student performance data to determine if a special education evaluation is appropriate.

When a student is registered as homeschooled, the parent is asked whether the child has a disability or whether there is a concern about a disability. If a student has a disability or there are concerns about school performance or development, the school psychologist assigned to the school that the child would attend if enrolled in a SPPS school works with the parent and child to facilitate the referral process. The compliance coaches provide oversight and monitoring of students enrolled as homeschooled to help ensure that homeschooled students with disabilities are evaluated and receive special education services if the parent chooses evaluation and service.

All children with disabilities residing in the district, including those who are homeless or who lack a fixed, regular and adequate nighttime residence, regardless of the severity of their disabilities and who are in need of special education and related services, are identified, located and evaluated to determine the need for appropriate services. Homeless shelter social worker(s) or other staff contacts the SPPS Title 1 homeless liaison to coordinate enrollment and transportation within the Saint Paul Public Schools. If there is evidence of a suspected disability, the special education referral process is followed as described in this section. Referrals are made to the CST at the school that the student attends or is assigned in SPPS.

Interagency Referrals:

Instances arise where external agencies (e.g., physicians, hospitals, public health nurses, and mental health facilities) notify special education of concerns about a student that could impact a student's learning. The Office of Specialized Services (OSS) has a designated contact to facilitate the referral process. In all instances, contact can be made directly to OSS at 651-767-8321 / Fax 651-228-3626. The referral information is forwarded to the appropriate special education supervisor for action by the CST of the school where the student attends.

Alternative Learning Centers (ALC) and Care and Treatment Setting Referrals:

The ALCs in SPPS have child study teams operating in the centers. The ALCs follow the child find and referral process described above under "School Age" to identify, evaluate and serve students with disabilities.

# Special Education Process for Referrals Birth to Age 3





**Saint Paul**  
PUBLIC SCHOOLS

**Referral Form  
Early Childhood Special Education  
Birth-3 Team**

271 Belvidere Street East - Saint Paul, MN 55107

**CHILD INFORMATION:**

Last Name		First Name	
Date of Birth	/ /	Gender	(choose)
Age at Referral		Referral Date	/ /
Referred By		Referral Source	
How referral source knew about HMG		Name of the primary care clinic	
Referral Fax #		Referral Reason	
Interview By		Interview Date	/ /
Due Date See 45-day Hence	/ /	Birthplace	

**WHERE THE CHILD LIVES:**

Name(s)		Relationship to Child	
Home Address		Home Language(s)	
City	Saint Paul	State	MN
		Zip Code	55
Phone A:		E-mail	
Phone B:		Preferred contact method	

	YES/NO/comments		YES/NO/comments
*Completed Declaration of Ethnic and Racial Background Form (yellow)?	(choose) Comments:	Passed newborn hearing results? Concerns with hearing? (see flowchart)	(choose) Comments:
Requested Birth Certificate?	(choose) Comments:	Vision Concerns?	(choose) Comments:
Immunization records received?	(choose) Comments:	Birth History (birth weight, complications, diagnoses?)	(choose) Comments:
Lead levels checked?	(choose) Comments:	Diagnosis? Medications?	(choose) Comments:
Asthma? Nebulizer? How often?	(choose) Comments:	Allergies? Food? Medications? Insect stings? Epipen?	(choose) Comments:

<b>If YES, then nurse needs to be notified and on evaluation plan</b>	(choose) Comments:	
---	-----------------------	--

***REFERRAL COMMENTS/CONCERNS:***

--

<b>Interpreter needed? (choose)</b>  <b>Language:</b>	<b>VISIT DATE/TIME/PLACE:</b>
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# PRE-K REFERRAL FOR EARLY CHILDHOOD SPECIAL EDUCATION EVALUATION

Early Childhood Special Education • Evaluation Team

560 CONCORDIA AVE. ROOM 1301 • ST. PAUL, MN 55103 • 651-744-8094

**NOTE:** PRE-K Referrals do NOT need to go through HELP ME GROW.

Date Received: [REDACTED]

NAME OF CHILD: [REDACTED]		TODAY'S DATE: [REDACTED]
NAME OF PARENT(S): [REDACTED]		DATE PERMISSION FOR REFERRAL: [REDACTED]
CURRENT PREK SITE: [REDACTED]	PRE-K TEACHER NAME: [REDACTED]	
SESSION: <input type="checkbox"/> AM <input type="checkbox"/> PM	HOME LANGUAGE: [REDACTED]	
NAME OF PERSON COMPLETING THIS FORM: [REDACTED]		INTERPRETER Y/N: [REDACTED]

**Reason for referral:** *(Please remember that all preschoolers are working on pre-academics and that not learning numbers or letters is rarely a reason that children under kindergarten age qualify for ECSE services.)*

[REDACTED]

**Educational Interventions Attempted:** *(What has been tried to help the child with this problem? This is NOT required, but if you have tried to help, that information is helpful to the Evaluation Team.)*

[REDACTED]

**Please include with this referral:**

- A copy of the complete Early Childhood Screening results (obtained from your building school nurse).
- Parent input/concerns.
- A copy of the Teacher Concerns Checklist.
- Any other information about this child you feel would be helpful, including classroom assessment information, behavior data and information about this child's family needs (e.g., housing, childcare, clothing, food, etc.) , if you are aware of any.

**Please send completed forms to: [jodi.bergsbaken@spps.org](mailto:jodi.bergsbaken@spps.org)**

# PRE-K REFERRAL FOR EARLY CHILDHOOD SPECIAL EDUCATION EVALUATION

## TEACHER CONCERNS CHECKLIST

**DO YOU BELIEVE THIS CHILD HAS A SPECIAL NEED?**     YES     NO

**PLEASE CHECK ALL OF YOUR CONCERNS FROM THE FOLLOWING LIST:**

<p><b>1. BEHAVIOR</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> has tantrums</li> <li><input type="checkbox"/> is not able to accept limits</li> <li><input type="checkbox"/> resists rules or refuses to comply with requests</li> <li><input type="checkbox"/> is destructive with toys</li> <li><input type="checkbox"/> has trouble separating from parent</li> <li><input type="checkbox"/> has clings to an adult</li> <li><input type="checkbox"/> rarely smiles, giggles, or laughs</li> <li><input type="checkbox"/> has trouble adjusting to new routines/schedules</li> <li><input type="checkbox"/> defiant to adults</li> <li><input type="checkbox"/> has trouble staying with the group during activities</li> <li><input type="checkbox"/> is aggressive towards peers</li> <li><input type="checkbox"/> is aggressive towards adults</li> <li><input type="checkbox"/> acts much younger than his or her age</li> </ul>	<p><b>2. DEVELOPMENTAL ABILITIES</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> does not appear to be learning at an average rate</li> <li><input type="checkbox"/> has had delays in developmental milestones</li> <li><input type="checkbox"/> is not interested in books and stories</li> <li><input type="checkbox"/> does not seem to understand well</li> <li><input type="checkbox"/> does not use imaginative play</li> <li><input type="checkbox"/> chooses activities or toys that seems geared toward younger children</li> <li><input type="checkbox"/> chooses the same activity or toy every day</li> </ul>
<p><b>3. SOCIALIZATION</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> does not play with other children</li> <li><input type="checkbox"/> seeks much younger friends</li> <li><input type="checkbox"/> will not work in a group</li> <li><input type="checkbox"/> is left out of activities with other children</li> </ul>	<p><b>4. MOTOR</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> is clumsy</li> <li><input type="checkbox"/> has difficulty manipulating small toys</li> <li><input type="checkbox"/> has difficulty using pencils, crayons, or scissors</li> <li><input type="checkbox"/> has difficulty buttoning or zipping</li> <li><input type="checkbox"/> has hand/eye coordination problems</li> <li><input type="checkbox"/> has poor control of body movements</li> </ul>
<p><b>5. SPEECH/LANGUAGE</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> has unclear or garbled speech</li> <li><input type="checkbox"/> has difficulty expressing wants</li> <li><input type="checkbox"/> has a poor vocabulary</li> <li><input type="checkbox"/> uses incomplete sentences</li> <li><input type="checkbox"/> needs instructions repeated often</li> <li><input type="checkbox"/> repeats what she or he says</li> <li><input type="checkbox"/> gives inappropriate answers to questions</li> </ul>	<p><b>6. HEARING</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> has trouble hearing</li> <li><input type="checkbox"/> asks people to repeat or talk louder</li> <li><input type="checkbox"/> has many ear infections</li> <li><input type="checkbox"/> speaks too loudly</li> </ul>
<p><b>7. SELF-CARE</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> has toileting difficulties</li> <li><input type="checkbox"/> has difficulty feeding or dressing him/herself</li> <li><input type="checkbox"/> has difficulty following self-care routines</li> <li><input type="checkbox"/> does not understand danger</li> </ul>	<p><b>8. VISION</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> has eyes that turn in or out</li> <li><input type="checkbox"/> squints</li> <li><input type="checkbox"/> tilts his or her head</li> <li><input type="checkbox"/> wants to sit too close to the TV</li> <li><input type="checkbox"/> holds books very close to his or her face</li> </ul>
<p><b>9. ATTENTION</b> This child:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> is easily distracted</li> <li><input type="checkbox"/> has a short attention span</li> <li><input type="checkbox"/> darts from one task to another</li> <li><input type="checkbox"/> persists when asked to stop</li> <li><input type="checkbox"/> has a hard time "filtering out" distractions</li> <li><input type="checkbox"/> has poor impulse control</li> </ul>	<p><b>Other Concerns:</b> <span style="background-color: yellow; display: inline-block; width: 50px; height: 15px;"></span></p>

**Please send completed forms to: [jodi.bergsbaken@spps.org](mailto:jodi.bergsbaken@spps.org)**



**Student Information**

Name	Student Number	Birth Date	Gender
Test, Student			F
Race Ethnicity	Home Language	Birth Country	Entry Date
White, not Hispanic	052 Not Specific		
Parent/Guardian	Address	City, State Zip	Home Phone
TEST HOUSEHOLD	1 NEW ADDRESS	SAINTE PAUL MN 55106	(999)999-9999
School	Grade		
Demo Elementary	01		

Referral initiated by Not Given Date: 10/06/2016

ELL Staff consulted Date:

Parent/Guardian notified by Date:

Who made the contact?

Who was contacted?

What information was shared?

Parental concerns

Cumulative Folder Review completed? **No**

**Check all that apply**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Special Education                      | <input type="checkbox"/> Consent Decree Instruction | <input type="checkbox"/> Attendance Problems             |
| <input type="checkbox"/> Previous testing for Special Education | <input type="checkbox"/> ELL Bilingual Services     | <input type="checkbox"/> Frequent School Changes         |
| <input type="checkbox"/> Outside Agency Eval/Diag               | <input type="checkbox"/> Title 1                    | <input type="checkbox"/> Academic Improvement Plan - AIP |
| <input type="checkbox"/> Retention                              | <input type="checkbox"/> EXCEL                      |  |

Additional Information

**Presenting Concerns**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Reading difficulties | <input type="checkbox"/> Behavior challenges                         | <input type="checkbox"/> Hearing                |
| <input type="checkbox"/> Writing difficulties | <input type="checkbox"/> Difficulty with interpersonal relationships | <input type="checkbox"/> Vision                 |
| <input type="checkbox"/> Math difficulties    | <input type="checkbox"/> Organization/attention                      | <input type="checkbox"/> Physical impairment    |
| <input type="checkbox"/> Communication        | <input type="checkbox"/> Medical condition                           | <input type="checkbox"/> Traumatic Brain Injury |

Additional Information:

**Interventions**

**Intellectual Functioning**

Seldom Sometimes Frequently Not  
Applicable

- Demonstrates capabilities not related to school tasks
- Retains concepts taught and masters them over time
- Demonstrates average rate of learning
- Knows age-appropriate factual information

Applies learned skills and concepts to new tasks

Additional Information

**Academic Performance**

Reading Level Math Level Writing Level

Seldom Sometimes Frequently Not  
Applicable

- Uses clock, calendar, money, measurement tools, telephone in age-appropriate manner
- Reads grade level sight vocabulary
- Uses word attack skills for reading
- Understands material read to her or him
- Understands material read independently
- Calculates numbers at grade level
- Applies math skills in problem solving

Writes using punctuation and spelling appropriately  
 Communicates ideas in written form  
 Consistently applies/retains previously learned skills and concepts

Additional Information

## Communication

Seldom Sometimes Frequently Not  
 Applicable

Speaks clearly (without articulation errors)  
 Speaks fluently (without stuttering)  
 Uses appropriate voice quality (is not hoarse or does not have unusual pitch)  
 Follows oral directions at a level expected for age/ability level  
 Asks and responds to questions and participates in discussions on an equal basis with peers  
 Initiates/maintains conversation with peers and adults in native language  
 Uses socially appropriate language  
 Communicates on a variety of topics in order to relay ideas and get needs met  
 Uses complete and grammatically correct sentences

Additional Information

## Sensory/Motor

Seldom Sometimes Frequently Not  
 Applicable

Demonstrates appropriate gross motor skills  
 Prints/writes legibly  
 Copies appropriately from board to paper  
 Responds appropriately to visual, auditory, movement, touch or other sensory input in the school environment (e.g. doesn't overreact to sensory stimuli,  
 Demonstrates age-appropriate ability to hold pencil, use scissors, operate fasteners, open/close small containers, etc. when organizing and manipulating materials in school  
 Demonstrates appropriate strength and endurance in motor tasks

Additional Information

## Emotional & Behavioral

Seldom Sometimes Frequently Not  
 Applicable

Withdraws/isolates  
 Anxious/overly perfectionistic/worries excessively  
 Pervasively sad/does not express emotion  
 Problems with mood (e.g. frequent crying, excessively fearful or angry)  
 Displays physical symptoms related to worry (e.g. sleeping and eating problems)  
 Unusual or distorted thoughts or language not based on facts or reality (e.g. talks about people out to get him/her, sees or hears things that are not there, etc.)  
 Physically aggresses or physically threatens others  
 Physically active well beyond expectation for age level  
 Acts or moves without seeming to think through consequences or other's needs (e.g. grabs items, talks out of turn)  
 Makes negative or threatening comments, or argues with others

How long have the behaviors rated as "frequently" been observed?

The student has received the following services at school or in the community for emotional and behavior or mental health concerns

Indicate settings that emotional and behavior concerns occur (e.g. classroom, prep activities/classes, specialist time, lunchroom, playground, home, community)

How many dismissals or suspensions has the student received over the last year?

What was the reason(s) for dismissal or suspension?

Additional Information

Functional Skills

Seldom Sometimes Frequently Not

Applicable

ORGANIZATIONAL

Organizes materials/thoughts

Initiates tasks

Sustains tasks

Completes work/tasks/requests

ADAPTIVE BEHAVIOR is commensurate with peers in:

Daily living and independent living

Social and interpersonal skills

Recreation and leisure skills

Community Participation

Additional Information

Transition

Seldom Sometimes Frequently Not

Applicable

Shows knowledge of and participates in activities of:

Community Participation

Home/Daily Living Skills

Recreation and Leisure skills

Jobs/Job Training

Post-Secondary

Additional Information

Health Status

School Nurse: Date reviewed:

Yes No Not Applicable

Health Diagnosis or chronic health problem

DSM-IV Mental Health Diagnosis

Health or medical condition that affects strength, endurance, alertness or organization in the classroom

Medications/Treatments

Health screenings in the past 6 months

Pass Fail Date Distance Vision If Fail:

Hearing

Pass Fail Date 500 Hz 1000 Hz 2000 Hz 4000 Hz

Right 0 0 0 0

Left 0 0 0 0

\_\_\_ Has a history of chronic middle ear dysfunction or failed hearing screenings

Requires amplification (hearing aid, auditory training, etc)

Has been prescribed corrective lenses

Additional Information

## Assessments

### Principal's Approval

Continue with general education modifications/interventions

Implement new general education modifications/interventions

Additional information needed

Interventions explained to parent by administrator. Parent opted to proceed without General Education intervention.

Interventions approved. Forward to Child Study Committee

\_\_\_\_\_ Principal's Signature

\_\_\_\_\_ Date

### Child Study Team Action

Date:

Conduct initial evaluation

Do not conduct initial evaluation (if referral from parent, must send the denial of parent request)

Do not conduct initial evaluation (if referral from parent, must send Prior Written Notice form indicating denial of parent request)

Initial evaluation to be conducted without assistance from district wide assessment team member.

For ELL students: Refer to assessment team to conduct a parent interview, then to collaborate and make a recommendation on whether to proceed with assessment.

For Non-ELL students whose parent interview has been completed: Refer to assessment team to conduct initial academic, health functional, and/or transition assessments (not communication, motor, FBA, social/emotional, health/physical, DHH). These include initial referrals, students with previous evaluations not accepted by the child study team, or complex assessments needing support, consultation, and/or assistance.

Comment:

### Final Determination

The Final Determination fields will be filled automatically after the referral process is completed. There is a 14 day lag between when reports are finalized on EasyIEP and the data is pulled into the online referral to allow for the 14 Day rule.

Eligibility: [Not yet set in EasyIEP]

Federal Setting: [Not yet set in EasyIEP]

Primary Disability: [Not yet set in EasyIEP]

Secondary Disability: [Not yet set in EasyIEP]

Reason for Closing Referral:

Comment:

Referral is complete NO

### Team members

Jennifer Krueger

**Saint Paul Public Schools Total Special  
Education System (TSES) 2017**

Appendix B: 2017-18 Special Education Services/Programs by Area  
(from SPPS School Selection Guide 2017-18)

## 2017-18 Special Education Services/Programs by Area

A range of specialized instruction/services based on individual student need is available in each Area.

- **ECSE=Early Childhood Special Education.** Special education services to children ages 3-4 years old.
- **SLD=Specific Learning Disability.** A disorder in the understanding or use of spoken or written language that severely impacts academic progress by affecting the student’s ability to listen, think, speak, read, write, spell or perform math calculations.
- **EBD=Emotional or Behavioral Disorder.** A severe pattern of behavior, characterized by withdrawal, aggression or disordered thinking, that severely impacts emotional, academic, social or job skills.
- **DCD M/M=Developmental Cognitive Disability Mild/Moderate.** Deficits in intellectual functioning and adaptive skills needed to function independently.
- **DCD S/P=Developmental Cognitive Disability Severe/Profound.** Significant deficits in intellectual functioning and adaptive skills needed to function independently.
- **ASD=Autism Spectrum Disorder.** A developmental disorder that impairs social interaction and communication; rigid or repetitive behavior patterns.
- **DHH=Deaf and Hard of Hearing.** Students with a documented hearing loss.

### Key:

- » Students in this Area will receive transportation to Como Park Senior High School for DCD specialized programming
- Students in this Area will receive transportation to Central Senior High School for DCD specialized programming
- Students in this Area will receive transportation to Highland Park Senior High School for ASD specialized programming

School	Grades	ECSE	SLD	EBD Resources	DCD M/M	DCD S/P	Autism	EBD III
<b>Area A</b>								
Frost Lake Elementary	PreK-5	•	•	•				•
Hazel Park Preparatory Academy	PreK-8		•	•	•*	•		
The Heights Community School	PreK-5	•	•	•	•	•		
Johnson Senior High	9-12		•	•	•	•	•	•
L'Etoile du Nord French Immersion	K-5		•					
Nokomis Montessori - North Campus	PreK-5		•				•	
Parkway Montessori and Community Middle School	6-8		•	•			•	•
Phalen Lake Hmong Studies	PreK-5	•	•					
<b>Area B</b>								
American Indian Magnet	PreK-8		•	•			•	
Battle Creek Elementary	PreK-5	•	•	•			•	
Battle Creek Middle	6-8		•	•	•	•	•	•
Dayton's Bluff Achievement Plus	PreK-5	•	•	•				•
Eastern Heights Elementary	PreK-5	•	•		•	•		
Harding Senior High	9-12		•	•	•	•	•	•
Highwood Hills Elementary	PreK-5		•	•				
Nokomis Montessori - South Campus	PreK-5		•				•	
<b>Area C</b>								
Bruce F. Vento Elementary	PreK-5		•	•				•
Farnsworth Aerospace - PreK-4 Campus	PreK-4		•					
Farnsworth Aerospace - 5-8 Campus	5-8		•	•	•*	•*		•*
John A. Johnson Achievement Plus	PreK-5	•	•	•				•

Programs are not necessarily available at all grade levels.

\* Available to students in grades 6-8.

School	Grades	ECSE	SLD	EBD Resources	DCD M/M	DCD S/P	Autism	EBD III
<b>Area C (continued)</b>								
Mississippi Creative Arts	PreK-5	•	•		•	•		
Saint Paul Music Academy	PreK-5		•				•	
Washington Technology	6-12		•	•	»	»	•	•
<b>Area D</b>								
Cherokee Heights Elementary	PreK-5		•	•			•	
Humboldt High School	6-12		•	•	•	•	•	•
Open World Learning Community	6-12		•					
Riverview West Side School of Excellence	PreK-5		•					
<b>Area E</b>								
Chelsea Heights Elementary	K-5		•		•			
Como Park Elementary	PreK-5	•	•	•	•	•	•	
Como Park Senior High	9-12		•	•	•	•	•	•
Crossroads Montessori	PreK-5		•	•				
Crossroads Science	PreK-5	•	•	•				
Galtier Community School	PreK-5	•	•					
Hamline Elementary	PreK-5		•	•				•
Murray Middle	6-8		•	•	•	•	•	•
St. Anthony Park Elementary	K-5		•					
Wellstone Elementary	PreK-5		•	•				•
<b>Area F1</b>								
Benjamin E. Mays IB World School	PreK-5	•	•	•			•	
Capitol Hill Gifted & Talented	1-8		•	•				
Central Senior High	9-12		•	•	•	•	•••	•
Creative Arts Secondary	6-12		•	•				
Four Seasons Arts+	PreK-5	•	•					
Groveland Park Elementary	PreK-5		•		•	•		
J.J. Hill Montessori	PreK-5		•					
Jackson Preparatory	PreK-5		•					
Linwood Monroe Arts Plus - Lower	K-3		•		•	•		
Linwood Monroe Arts Plus - Upper	PreK; 4-8	•	•	•	•	•		
Maxfield Elementary	PreK-5		•	•				•
Obama Elementary	PreK-5	•	•	•				•
Ramsey Middle	6-8		•	•				•
Randolph Heights Elementary	K-5		•					
<b>Area F2</b>								
Adams Spanish Immersion	K-5		•					
EXPO Elementary	PreK-5		•				•	
Highland Park Elementary	K-5		•					
Highland Park Middle	6-8		•	•	•	•	•	•
Highland Park Senior High	9-12		•	•	••	••	•	•
Horace Mann School	K-5		•					
<b>Districtwide programs:</b>								
Bridge View (DCD, ECSE), RiverEast (EBD/Mental Health), Como Park Elementary (lift bus only), Journeys 9-12 (EBD), Four Season A+ (DHH), Humboldt (DHH)								

Programs are not necessarily available at all grade levels.

\* Available to students in grades 6-8.

# **Saint Paul Public Schools Total Special Education System (TSES) 2017**

Appendix C: Administration and Management Plan

[Link to School Contact List](#)

(includes address, phone, and administrator information)

For information specific to OSS, such as the contact info for OSS supervisors,  
please call the OSS main phone number at **651-767-8321**



# **Saint Paul Public Schools Total Special Education System (TSES) 2017**

## Appendix D

- a. Part C Notice of Procedural Safeguards (Infants & Toddlers)
- b. Part B Notice of Procedural Safeguards



## **PART C PROCEDURAL SAFEGUARDS NOTICE**

### **INFANT AND TODDLER INTERVENTION**

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

#### **INTRODUCTION**

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

#### **PRIOR WRITTEN NOTICE**

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

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

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

If your native language or other mode of communication is not a written language, the public agency, or designated early intervention service provider, must take steps to ensure that the notice is translated orally or by other means to you in your native language or other mode of communication. The provider

*Procedural Safeguards Notice – Part C*

must also take steps to ensure that you understands the notice; and, that there is written evidence that these requirements have been met.

Native language, when used with respect to an individual who is limited English proficient, means the language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. For evaluations and assessments conducted for the child, native language means the language normally used by the child, if this language is determined developmentally appropriate for the child by the qualified personnel conducting the evaluation or assessment. For an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, native language means the mode of communication that is normally used by the individual, such as sign language, braille, or oral communication.

**FOR MORE INFORMATION**

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

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_(ex. Early childhood coordinator or special ed director)

Phone: \_\_\_\_\_

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

ARC Minnesota (advocacy for persons with developmental disabilities)

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

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

Minnesota Association for Children’s Mental Health

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

651-644-7333; 1800-528-4511

Minnesota Disability Law Center

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

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

612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights)

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

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

952-838-0190 (TTY)

Minnesota Department of Education

[www.education.state.mn.us](http://www.education.state.mn.us)

651-582-8689

651-582-8201 (TTY)

## **PARENTAL CONSENT**

### **Definition of Consent**

As a parent, you have the right to give consent to any action proposed by the district. Consent means that you have been fully informed, in your native language, of all information relevant to the activity for which your written permission is sought and that you fully understand and agree in writing with carrying out the activity for which consent is sought. The written consent must describe the activity and list any early intervention records that will be released and to whom. Consent is voluntary and may be revoked at any time. However if you revoke your consent, that revocation is not retroactive.

### **When the District Must Obtain Your Consent**

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

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

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

### **Parent's Right to Decline Consent**

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

### **Parental Right to Decline Services**

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

## **Confidentiality and Personally Identifiable Information**

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

Districts, the Minnesota Department of Education (MDE), and any other early intervention service providers must protect the confidentiality of any personally identifiable data about you and your child, including information and records they collect, use and maintain, disclose and destroy. Generally, a district or other participating agency may not disclose personally identifiable information, as defined in Part C of the IDEA, to any party except participating agencies (including the lead agency and early intervention service providers) that are part of the state's Part C system without parental consent unless authorized to do so under the IDEA or for any purpose other than meeting a requirement of that law. Please refer to the Federal Educational Rights and Privacy Act (FERPA) for additional information on consent requirements concerning data privacy under federal law.

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

## **Notice to Parents about Confidentiality**

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

## **INDIVIDUAL FAMILY SERVICE PLANS (IFSP)**

If your child is under age three and has a disability, you and your child have a right to receive an IFSP. An IFSP is a written plan that is developed by a team to record your goals for your family and your child. An IFSP also lists the services that will best help you and your child reach those goals and describe when, where, and how services will be delivered. You and other family members work with the early intervention service coordinator and other providers (if appropriate) to create the IFSP. You may invite anyone you wish to the IFSP meetings, including an advocate. The IFSP is reviewed at least every six months, or more frequently if requested. You are involved in planning the time, date and place of these

meetings to ensure your participation. You may request a meeting to review your child's IFSP at any time, even if one recently took place. A district must provide you with a copy of each of your child's evaluations, assessments, family assessments, and IFSPs as soon as possible after each IFSP meeting at no cost to you.

## **THE RIGHT TO RECEIVE SERVICES IN NATURAL ENVIRONMENTS**

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

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

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

The district must provide you annual written notice that:

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

## **EDUCATION RECORDS**

### **Your Access to Records**

You have the right to inspect and review all Part C early intervention records about your child and your child's family that are collected, maintained or used under Part C of the IDEA, including records related to evaluations and assessments, screening, eligibility determinations, development and implementation of IFSPs, provision of early intervention services, individual complaints involving your child, or any part of your child's early intervention record. Upon request, the district must give you access to your child's early

## *Procedural Safeguards Notice – Part C*

intervention records without unnecessary delay and before any meeting regarding an IFSP or any due process hearing. The district must respond to your request immediately, if possible, or within 10 days of the request (excluding weekends and legal holidays).

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

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

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

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

### **Disclosure to Health Plan Company**

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

### **Records on More Than One Child**

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

### **Record of Access by Others**

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



## **List of Types and Locations of Information**

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

## **Consent to Release Records**

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

## **Fees for Searching, Retrieving and Copying Records**

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

## **Amendment of Records at Parent's Request**

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

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

## **Opportunity for a Hearing**

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

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

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



the district. If your child's early intervention records or the contested portion of your child's records are disclosed by the district to any party, the explanation you submitted must also be disclosed to the party.

## **Transfer of Records**

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

## **Destruction of Records**

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

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

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

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

## **CHILD'S RIGHT TO A SURROGATE PARENT**

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

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

## *Procedural Safeguards Notice – Part C*

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

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

## **ALTERNATIVE RESOLUTION OF DISPUTES**

Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to your child through conciliation, mediation, facilitated IFSP team meetings, or through other alternative processes. All alternative dispute resolution options are voluntary on your part and cannot be used to deny or delay your right to a due process hearing. All alternative dispute resolution processes are provided at no cost to you.

## **MEDIATION**

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

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

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

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

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

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

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

### **FILING A WRITTEN COMPLAINT**

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

1. Be in writing and be signed by the individual or organization filing the complaint;
2. Include a statement alleging violations of state or federal special education law or rule related to Part C of the IDEA;
3. State the facts upon which the allegation is based;
4. Include the signature and contact information for the complainant;
5. Include the name and residence of your child, the name of the early intervention service provider, a description of the nature of your child's problem, including facts related to the problem, and a proposed resolution of the problem to the extent known and available to you at the time the complaint is filed, if the alleged violation is related to your specific child; and
6. Allege a violation that occurred not more than **one year** prior to the date that the complaint is received.

The complaint must be sent to:

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

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

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

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

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

### **MODEL FORMS**

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

### **IMPARTIAL DUE PROCESS HEARING**

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

### **Requesting a Due Process Hearing**

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

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

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

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

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

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

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

### **Resolution Period**

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

### **Hearing Timeline**

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

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

### **Settlement Agreement**

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

## **Loss of Right to a Due Process Hearing**

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

## **Procedures for Initiation of a Due Process Hearing**

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

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

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

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

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

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



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

Both you and the district have the right to:

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

As the parent, you have the right to:

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

### **Amending a Request for a Due Process Hearing**

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

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

### **Disclosure of Additional Evidence before a Hearing and Prehearing Conference**

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

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

### **The Hearing Decision**

The hearing officer must reach a final decision in the due process hearing and give a copy of the decision to each party not later than 45 days after the 30-day period or within the adjusted time periods. The hearing officer is encouraged to accelerate the timeline to 30 days for a child under the age of three whose needs change rapidly and who requires quick resolution of a dispute. The hearing decision timeline may be extended if the hearing officer determines that good cause exists. The hearing officer must conduct oral arguments in a hearing at a time and place that is reasonably convenient to you and your child. The hearing officer's decision whether an infant or toddler was appropriately identified, evaluated, or placed, or whether the infant or toddler with a disability and the family were appropriately provided early intervention services under Part C of the IDEA, must be based on substantive grounds. The hearing decision is final unless you or the district files a civil action. A hearing officer does not have the authority to amend a decision except for clerical and mathematical errors.

### **Separate Request for Due Process Hearing**

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

### **COMPLAINTS AND HEARINGS DATABASE**

Final decisions on special education complaints and due process hearings are available to the public on the MDE website. MDE maintains a public database called the Complaints, Hearings and Letters Search Engine. Decisions available in the database are redacted and all personally identifiable information is removed. This database is available on the Compliance and Monitoring webpage on the MDE website at: [www.education.state.mn.us/MDE/SchSup/SpecEdComp/ComplMonitor/index.html](http://www.education.state.mn.us/MDE/SchSup/SpecEdComp/ComplMonitor/index.html).

### **CIVIL ACTION**

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

### **PLACEMENT DURING A HEARING OR CIVIL ACTION**

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



## **EXPEDITED DUE PROCESS HEARINGS**

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

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

## **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: \_\_\_\_\_

Phone: \_\_\_\_\_

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

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

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

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

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

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

## **ELECTRONIC MAIL**

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

## **PARENTAL CONSENT**

### **Definition of Consent**

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

## **Revocation of Consent**

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

## **When the District Must Obtain Your Consent**

### ***A. Initial Evaluation***

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

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

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

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

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

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

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

### ***C. Reevaluations***

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

### ***D. Transition Services***

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

**When Your Consent is Not Required**

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

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

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

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

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

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

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

**Confidentiality and Personally Identifiable Information**

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

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

Generally, your written consent is required before a district may disclose personally identifiable information from your child's educational record with anyone other than officials of participating

agencies collecting or using the information under the Individuals with Disabilities Education Act (IDEA) or for any purpose other than meeting a requirement of that law.

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

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

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

### **Directory Information**

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

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

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

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

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

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

1. The district will share data related to your child and health-related services on your child's IEP with the Minnesota Department of Human Services to determine if your child is covered by Medical Assistance or MinnesotaCare and whether those services may be billed to Medical Assistance or MinnesotaCare.

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

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

## **INDEPENDENT EDUCATIONAL EVALUATIONS**

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

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

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



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

## **EDUCATION RECORDS**

### **Definition of an Education Record**

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

### **Your Access to Records**

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

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

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

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

### **Transfer of Rights**

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

### **Records on More Than One Child**

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

### **List of Types and Locations of Information**

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

### **Record of Access by Others**

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

### **Consent to Release Records**

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

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

### **Fees for Searching, Retrieving and Copying Records**

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

### **Amendment of Records at Parent's Request**

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

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

### **Transfer of Records**

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

### **Destruction of Records**

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

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

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

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

## **MEDIATION**

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

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

## **FILING A WRITTEN COMPLAINT**

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

1. Be in writing and be signed by the individual or organization filing the complaint;
2. Allege violations of state or federal special education law or rule;
3. State the facts upon which the allegation is based;
4. Include the name, address and telephone number of the person or organization making the complaint;
5. Include the name and address of the residence of the child and the name of the school the child is attending;

6. A description of the nature of the child's problem; including facts relating to the problem,;
7. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed; and
8. Be forwarded to the public agency providing services to the child at the same time the complaint is sent to MDE.

The complaint must be sent to:

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

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

## **MODEL FORMS**

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

## **IMPARTIAL DUE PROCESS HEARING**

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

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

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

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

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

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

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

### **Loss of Right to a Due Process Hearing**

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

### **Procedures for Initiation of a Due Process Hearing**

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

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

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

Both you and the district have the right to:

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

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

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

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

### **Responding to the Hearing Request**

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

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

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

### **Disclosure of Additional Evidence Before a Hearing**

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

### **The Hearing Decision**

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

## **Separate Request for Due Process Hearing**

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

## **Free or Low-Cost Legal Resources**

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

## **COMPLAINT AND HEARINGS DATABASE**

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

## **CIVIL ACTION**

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

## **PLACEMENT DURING A HEARING OR CIVIL ACTION**

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

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

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

## **EXPEDITED HEARINGS**

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

1. Whenever you dispute the district's proposal to initiate or change the identification, evaluation or educational placement of your child or the district's provision of FAPE to your child;
2. Whenever you dispute the district's refusal to initiate or change the identification, evaluation or educational placement of your child or the district's provision of FAPE to your child;

3. Whenever you dispute the manifestation determination; and
4. Whenever the district believes that maintaining the current placement of your child is substantially likely to result in injury to the child or to others.

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

### **Timelines for Expedited Hearings**

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

### **Dismissal of Complaint**

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

### **Placement by a Hearing Officer**

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

### **Right to Appeal Decision**

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

## **INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT**

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

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

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



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

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

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

### **ATTORNEY'S FEES FOR HEARINGS**

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

### **EXCLUSIONS AND EXPULSION OF PUPILS WITH A DISABILITY**

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

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

# **Saint Paul Public Schools Total Special Education System (TSES) 2017**

## Appendix E

- a. Special Education Advisory Council (SEAC) Organizational Guidelines
- b. SEAC Recruitment Flyer

***Reviewed and Updated – 5/22/14***  
***Draft SEAC Approval – 9/01/16***

## **Special Education Advisory Council Organizational Guidelines**

The Special Education Advisory Council (SEAC) is an aggregation of parents, community representatives and Saint Paul Public Schools staff.

According to Minnesota Statute 125A.24 PARENT ADVISORY COUNCILS: In order to increase the involvement of parents of children with disabilities in district policy making and decision making, school districts must have a special education advisory council that is incorporated into the district's special education system plan.

1. This advisory council may be established either for individual districts or in cooperation with other districts that are members of the same special education cooperative.
2. A district may set up this council as a subgroup of an existing board, council, or committee.
3. At least half of the designated council members must be parents of students with a disability. When a nonpublic school is located in the district, 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. Each local council must meet no less than once each year. The number of members, frequency of meetings, and operational procedures are to be locally determined.

### Statement of Purpose:

- Increase the involvement of parents of children with disabilities in district policymaking and decision-making.
- Advise the district on policy and decisions affecting and/or related to special education.
- Recommend priorities to be addressed by the district in their annual and long-term strategic plan.
- Support the needs of students with disabilities regarding the special education budget at school committee meetings.
- Be parent lead and directed, in order to advocate from the perspective of individuals and families of children with special needs.

The following may be addressed by the SEAC:

- Support of activities on behalf of students with disabilities.
- Development of cooperative relationships between general and special education.
- Training and support for parents, families and students with disabilities.
- Development of strategies so district and parent groups can work together to advocate for current and future legislation including, but not limited to, the implementation and/or reauthorization of the Individuals with Disabilities Education Act (IDEA).
- Serve as a forum for the expression of concerns and recommendations pertaining to the education of students with disabilities in the Saint Paul Public Schools.
- Identification of annual goals and present them to the school board.
- Encourage involvement of families of learners with disabilities in their school and educational programs.
- Promote an attitude of respect towards all learners and an appreciation of their unique differences.
- Serve as a resource for Saint Paul Public Schools regarding special education issues.

Membership: The Special Education Advisory Council shall consist of up to a maximum of 36 persons. To the greatest extent possible, members of the council should represent the language and cultural diversity of the Saint Paul Public Schools community, and the diversity of students' ages and disabilities served in

Special Education. At least half of the designated council members must be parents of students with a disability. Parent members should represent each of the seven attendance areas in the district. About one-fourth of the representatives should include students receiving special education services, individuals with a disability or representatives of community agencies. About one-fourth should be members of the staff of the school district. There must be a nonpublic school representative on the council. Members must be at least 16 years and have a basic understanding of issues affecting individuals receiving special education services.

The council co-chairs will appoint a Membership Committee. This committee will be responsible for recruitment of new members with the goal of achieving a representative council as described above. The council's Executive Committee will review applications for membership and appoint new members. Names of new council members will be presented to the Saint Paul Public Schools' Board of Education.

Terms of Office: Council members shall be appointed to a term of two years and may serve a total of three terms. Terms may be extended at the discretion of the Executive Committee. Co-chairs will be elected by the SEAC membership to serve two-year, staggered terms. Terms begin **and end** in May. **If a new member joins in the middle of a year the term ends after two years in May. Terms do not end in the middle of a school year. Example member joins Oct. of 2016 the term would end May of 2018.**

Attendance. In order to promote cohesiveness and to enable an informed decision-making process, members are encouraged to attend each council meeting. If a member is unable to attend a council meeting, it is expected that they contact the SEAC staff person before 4:30 p.m. on the day of the meeting. In the case of a member missing two consecutive meetings without notice, a member may be removed from the council at the discretion of the Executive Committee. **(Changed-Executive Committee will review excessive absences as needed throughout the year.** (Replaces- In April of each year the Executive Committee will review excessive absences.)

In cases when a council meeting is cancelled, every effort will be made to alert members of the cancellation via a phone call and/or email. Members also may contact the SEAC staff member or **Co-Chairs** to check the status of the meeting.

Meetings: The Special Education Advisory Council will meet monthly at a time determined by the SEAC membership at the **(changed- last meeting in May).** (Replaces- at the first meeting in September) Special meetings may be called at the discretion of the executive committee **or sub-committees.**

Every effort will be made to meet with the Saint Paul School Board annually. The council will prepare an annual report to be presented to the Superintendent/School Board.

Discussion and Information Sharing: SEAC members strive to discuss and advise on issues of broad importance to Saint Paul Public Schools as a whole. While not a forum for solving individual issues, personal stories and reflection can be used to inform the group's understanding of those broad issues. SEAC members and the district agree to respect the perspectives and confidentiality of all personal experiences shared. All members are encouraged to bring forth concerns and recommendations without fear of reprisal. As such, SEAC discussions and recommendations will develop independent from district control.

In order to facilitate discussion among all council members, members will be asked to limit their comments so as not to prohibit others from speaking. Agendas will be timed to facilitate an efficient meeting schedule. If a particular agenda item requires more discussion or more information is needed to make an informed decision, an agenda item may be carried over to the next meeting.

If members wish to bring an item to the council for discussion, they are encouraged to submit the item at least two weeks prior to a meeting so that it may be added to the agenda; members should provide the

council with any necessary information to aid in the discussion. If more information is needed, the member may be asked to bring it to the next meeting and discussion will be tabled until that time.

Decision Making: All decisions will be made by consensus. If the council cannot reach consensus, a majority vote will determine a decision. One-third of the council's membership shall constitute a quorum and must be present, either in person or via teleconference, for a vote to be taken.

Amendments to Council Guidelines: Members may propose amendments to organizational guidelines. Proposed amendments will be distributed to all members in a draft form at least one month prior to a vote. A proposed amendment will be adopted with an affirmative vote by a quorum of the council.

Organizational guidelines will be reviewed at least every two years. The Executive Committee will appoint a temporary Guidelines Committee to conduct the review. Grammatical and typographical corrections do not require a vote of approval if substance of content remains unchanged.

Staff: The Director of Special Education will serve as an *ex officio* member of the Special Education Advisory Council and assure that a staff person is available to record minutes of council meetings. A staff person will type agendas and minutes of all council meetings, as well as arrange for meeting space, childcare, transportation, meals or other meeting accommodations as needed. The Director will act as the administrative liaison between the SEAC and the district administration, the School Board and the teaching staff. The Director will give an annual report on the status of special education services in the District that includes the CIMP, will respond to recommendations of the SEAC, and report back to the SEAC with a response to recommendations if necessary.

Co-chairs: Co-chairs of the Special Education Advisory Council shall consist of two co-chairs. If either of the co-chairs is unable to fulfill their obligations, these positions will be filled from the current SEAC membership at the discretion of the executive committee. Terms of co-chairs will begin in May and will be staggered terms. Every effort will be made for the council co-chairs to be a parent or community member.

Executive Committee: The executive committee shall consist of the co-chairs and at least three additional members appointed by the SEAC. The executive committee will be responsible for establishing meeting agendas, dealing with issues that arise between regular SEAC meetings, and other issues specified by the SEAC. These actions by the executive committee shall be discussed and voted on at the next SEAC meeting. The Executive Committee is also responsible for reviewing applications for membership and appointing new members.

Special Education Advisory Council Committees: The co-chairs, with the advice and authorization of the SEAC, may establish task forces and study committees to accomplish specific, time-limited assignments. SEAC members will be encouraged to participate in any task force or committee.

School District Committees: Representation from the Special Education Advisory Council will be solicited on all school district task forces, committees or groups. The SEAC will refer **or appoint** its members to these committees **as needed**.



Office of Family Engagement  
and Community Partnerships



GET INVOLVED TODAY!

# SPECIAL EDUCATION PARENT ADVISORY COUNCIL

We empower Special Education families and community members to be engaged in the education of their children.

## Join us at our monthly meetings!

All meetings will be from 6-8 p.m. at the SPPS Administration Building (360 Colborne Street, St. Paul, MN 55102).

### 2016-17 meetings

- September 15, 2016
- October 13, 2016
- November 10, 2016
- December 8, 2016
- January 12, 2017
- February 9, 2017
- March 9, 2017
- April 13, 2017
- May 11, 2017

Childcare and meals are provided by the Office of Specialized Services.

For more information:  
Call 651-767-3437 or  
Email [jackie.kelly@spps.org](mailto:jackie.kelly@spps.org)

## What We Do

- Inform and educate parents, school staff, students and community members through workshops, websites and printed materials.
- Provide opportunities for parents and caregivers to connect with schools, community resources and each other.
- Promote collaboration as a means to improve the education process and outcome for all learners.
- Influence change, policy and procedures through sharing our stories, listening to others, researching needs and advocating for solutions.

## Mission

- Address the unique needs of diverse learners so they can meet their maximum potential.
- Promote an attitude of respect toward all students and a welcoming inclusive environment for all families.
- Build strong relationships between families, schools, community partners and district decision makers to influence policy making and decisions.
- Empower and support parents to effectively advocate for children.

## Vision

Education where all children feel good about themselves, like school and receive an education that meets their needs in a way that promotes the outcome of happy healthy adults leading meaningful lives filled with joy and contributing to society.

