

Roseville Area Schools  
Independent School District 623

# Parent Handbook

## For Special Education

Roseville Area Schools  
Student Services/Special Education  
651-635-1608  
<http://www.isd623.org/studentservices/>

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# Welcome!

The Special Education Advisory Council (SEAC) developed the Parent Handbook for Special Education in collaboration with the Roseville Area Schools Student Services Department. The purpose of the Parent Handbook is to provide parents of children with IEPs information to help them be active participants in their child's special education programming and planning.

This handbook is written for parents by parents who have children in special education in the Roseville Area Schools. The handbook was written to serve as a guide for parents to assist them in gaining knowledge and understanding of how special education works in the Roseville Area Schools.

We encourage parents to take an active role in planning with the school team for their child's educational program. Parent participation has a positive effect on children's success in school. We hope that this handbook helps provide the information you as a parent need to advocate for your child.

*Please direct questions about the Parent Handbook to Chris Sonenblum, Director of Student Services, at 651-635-1608.*

# Acknowledgements

We acknowledge those responsible for making the Parent Handbook for Special Education possible.

**Dr. Kathleen Bushman** for her invaluable advice and encouragement. Her enthusiasm for this project inspired us all.

**Ms. Penny Bidne**, Principal of Brimhall Elementary School, for her valuable input and feedback during the editing process. Her participation and knowledge of the special education process is valued by all.

**The Minnetonka Public Schools** and **Dr. Jan Bootsma** for sharing their district's Parent Handbook for Special Education.

**The administrators, teachers and parents** that took the time to read and edit this manual. Their help was critical.

**Dianne Lundgren** for her time and talent. Her assistance in putting the handbook into the final format is greatly appreciated.

# Roseville Area Schools Special Education Advisory Council Mission Statement

The mission of the Roseville Area Schools Special Education Advisory Council is:

***Parents, guardians, and educators coming together to support and advise administrators of Roseville Area Schools in meeting the needs of students (birth-21 years old) who receive special education services within the district.***

The Guiding Principles of the Roseville Area Schools Special Education Advisory Council are to:

- Provide a forum for stakeholders to conduct scheduled meetings where they collaboratively identify and encourage the use of best practices in special education.
- Serve as an information source to all stakeholders regarding the special education programs and policies of Roseville Area Schools.
- Interact with organizations within Roseville Area Schools, as well as other community entities, to encourage meaningful opportunities for participation of students with special needs.

# Special Education

The Individuals with Disabilities Education Act 2004 (IDEA-2004) defines special education as, “Specially designed instruction, at no cost to parents, to meet the unique needs of a child with disability.”

Students who receive special education and related services are entitled to a free, appropriate, public education (FAPE). This includes opportunities to participate in the school’s general curriculum and activities, and make progress toward annual goals.

## ***Related Services***

Related services are services that are needed to assist a student with a disability to benefit from special education. Generally, related services are provided along with special education instructional services. For example, a student may need occupational therapy and/or language services in order to benefit from the instructional services in the area of the primary disability. Related services may include, but are not limited to, transportation, audiology services, physical and occupational therapy, and social work services.

## ***IDEA***

The Individuals with Disabilities Education Act (IDEA) is the federal special education law. Congress revised and reauthorized the IDEA in 2004. Detailed information is available from: <http://idea.ed.gov>

Parents of students with disabilities have a right to be involved in the educational decision making process by participating in the student evaluation, and development, review, and revision of their child’s Individualized Education Program (IEP) in accordance with Parent Rights and Procedural Safeguards.

## ***Procedural Safeguards***

The *Notice of Procedural Safeguards - Parental Rights for Public School Special Education Students* brochure provides an overview of parental special education rights. It must be provided to parents of students receiving special education services at least one time per year. It must also be giving to you the first time your child is referred for a special education evaluation. A full copy of the *Notice* is available in Appendix B of this document.

## ***Minnesota Special Education Rules/Laws***

Each state has established special education laws. IDEA defines the minimum legal requirements for special education, however, legal requirements among states may vary. In Minnesota, the Department of Education is responsible for the rules and regulations affecting special education. You may obtain detailed information about Minnesota laws, regulations, and statutes on the state website at: <http://education.state.mn.us/html/mde/index.html>. PACER (Parent Advocacy Coalition for Educational Rights) is a nonprofit organization that provides families with valuable information on the special education laws and services. More information on PACER is included in the listing of “resources” near the end of this handbook, or at <http://PACER.org>.

In Minnesota, schools are required to provide special education services to all students who are eligible for and in need of special education from birth to age 21. The state of Minnesota has developed specific eligibility criteria for 13 categories of disability that must be met for a student to qualify for special education. The current Minnesota criteria are available on the Roseville Area Schools website at <http://www.isd623.org/student services>.

## ***Categories of Disability for Special Education***

**AUTISM SPECTRUM DISORDERS**: A behaviorally defined group of disorders characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and restricted repetitive and stereotyped patterns of behavior, interest, and activities, with onset in early childhood.

**BLIND / VISUALLY IMPAIRED**: a medically verified condition accompanied by limitations in sight that interfere with acquiring information or interaction with the environment.

**DEAF / HARD OF HEARING**: a diminished sensitivity to sound that is expressed in terms of standard audiological measures.

**DEAF / BLINDNESS**: a medically verified visual impairment coupled with medically verified hearing impairment that, together, interferes with acquiring information or interacting in the environment. Both conditions need to be present simultaneously and must meet the criteria of both vision and hearing impairment.

**DEVELOPMENTAL COGNITIVE DISABILITY**: significantly sub-average general intellectual functioning resulting in or associated with concurrent deficits in adaptive behavior: either, *Mild to Moderate (MMI)* or *Severe-Profound (MSMI)*.

**DEVELOPMENTALLY DELAYED (EARLY CHILDHOOD SPECIAL EDUCATION, Birth - 7 only)**: a substantial delay or disorder in development or an identifiable sensory, physical, mental or social/emotional condition or impairment known to hinder normal development.

**EMOTIONAL / BEHAVIORAL DISORDER**: an established pattern characterized by severely aggressive or impulsive behaviors, severely withdrawn or anxious behaviors, generally pervasive unhappiness, depression or side mood swings or severely disordered thought processes manifested by unusual behavior patterns, atypical communication styles or distorted interpersonal relationships.

**OTHER HEALTH DISABILITIES**: a broad range of medically diagnosed chronic and associated acute health conditions that may be accompanied by limited strength, endurance, and alertness, including heightened or diminished alertness to environmental stimuli that adversely affect educational performance to the extent special education and related services may be needed.

**PHYSICALLY IMPAIRED**: a medically diagnosed chronic physical impairment, either congenital or acquired, that adversely affects physical or academic functioning.

**SEVERELY MULTIPLY IMPAIRED**: learner has severe learning and developmental problems resulting from two or more disability conditions.

**SPECIFIC LEARNING DISABILITY**: a significant discrepancy between one's general intellectual ability and academic achievement in one or more of the following areas: oral expression, listening comprehension, mathematical calculation or reasoning, basic reading skills, reading comprehension and written expression.

**SPEECH / LANGUAGE IMPAIRMENT**: A communication disorder in fluency, voice, articulation or language.

**TRAUMATIC BRAIN INJURY**: an acquired injury to the brain caused by external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

# Getting the Process Started: Referral and Pre-referral

## ***Referrals***

If it appears that a student may have a need for special education services, parents, school personnel, students, or others may make a request for an evaluation. This request may be verbal or in writing. This is called a referral. Referral is a formal process for reviewing information related to students who are suspected of having disabilities and show signs of potentially needing special education and related services. It includes reviewing pre-referral intervention results and other information to determine the need for a comprehensive educational evaluation.

For children ages birth to five and not enrolled in kindergarten yet, referrals are made to the Early Childhood Information and Referral of Ramsey County, 651-604-3700.

For school-age students referrals are typically begun by completing the district's Referral Evaluation Consideration form. The referral is submitted to the school secretary or principal, who will schedule a Referral Review Team meeting to review the concerns and the student's performance and to decide whether an evaluation is needed in one or more of the following areas:

- Intellectual/Cognitive Functioning
- Communication
- Motor ability
- Sensory status (hearing/vision)
- Physical and health status
- Social, Emotional and Behavioral
- Functional skills
- Academic achievement
- Transition to adult living and vocational

## ***Pre-referral Interventions***

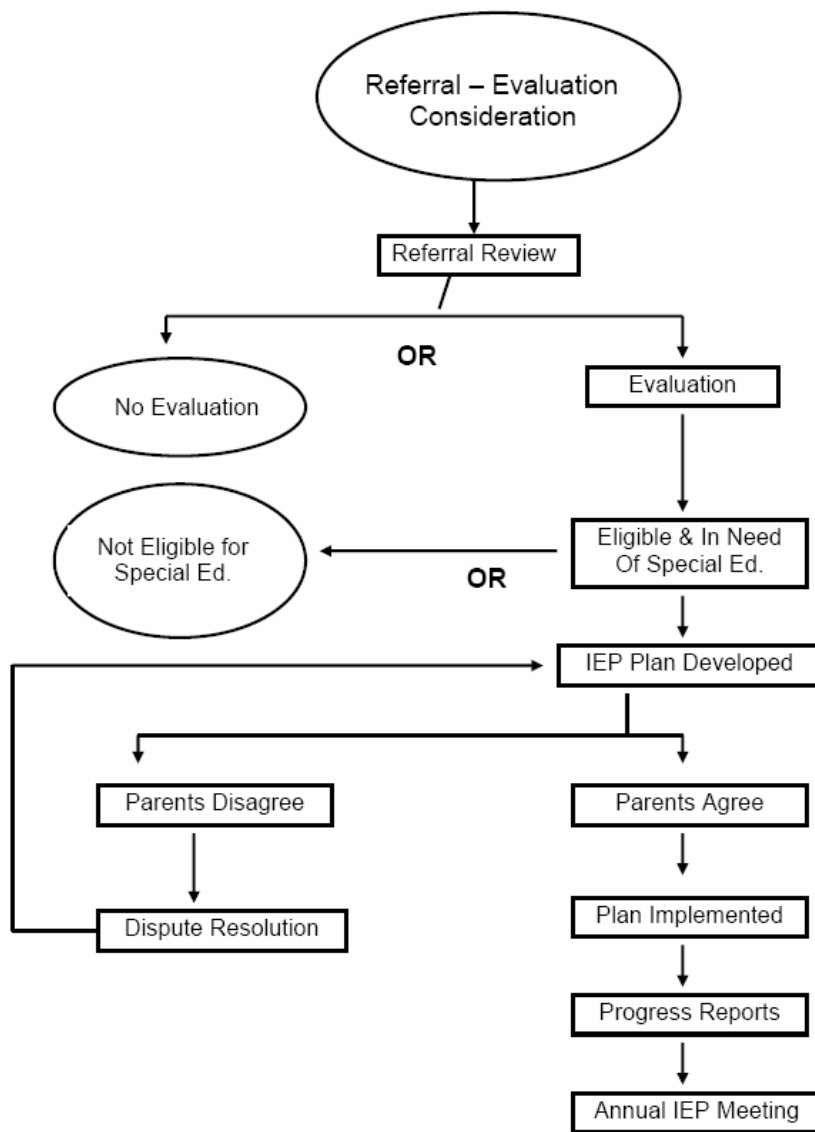
As required by Minnesota Statute, at least two regular education interventions must be documented to determine if the student's performance improves with changes in curriculum or environment. If the student's performance improves, an evaluation may not be needed. If the problem continues an educational evaluation would be considered to assist the school to identify more specific ways to help your child learn. Pre-referral interventions do not require parent permission, however, it is expected that prior to implementing pre-referral interventions the general education teacher has discussed his or her concerns with the parent.

When pre-referral classroom interventions are not successful, the classroom teacher may make a formal referral to the building Referral Review Team (RRT). At this point in the process parents are invited and encouraged to participate in a review of the referral. A referral does not necessarily mean the student has a disability. A referral is the first step taken to determine if educational concerns are due to a disability.

The RRT will review the student's performance and response to the interventions to make a decision about whether or not to conduct a formal educational evaluation, and if so, which areas of suspected disability are to be evaluated.

The referral is the starting point of the special education process. Before the evaluation can begin, parents must give written consent for their child to be evaluated.

### SPECIAL EDUCATION DUE PROCESS



## Comprehensive Educational Evaluation

### *Initial Evaluation*

Before your child receives special education services, IDEA requires that he or she have an evaluation. An evaluation includes information from parents, any special medical concerns, and interviews with parents and school staff, and may include specific tests. A staff member will be assigned to coordinate the evaluation and will be your primary contact during the evaluation process. The results of the evaluation will be used to determine if your child is eligible for and in need of special education and related services in school. The evaluation:

- Must be done by trained and knowledgeable persons
- Must be in all areas related to the suspected disability
- Is more than just one test or assessment procedure
- Must be in your child's native language unless clearly not possible to do so
- Must not discriminate against your child.

For an initial evaluation, parents must provide written consent for the evaluation to begin. Upon receipt of your written consent for a special education evaluation, the school district has 30 school days to complete the evaluation and provide you with the evaluation results. The district has 45 calendar days to complete the evaluation for children birth to up to age three.

Parents and guardians may naturally have questions regarding the evaluation process. Some questions you may want to ask school staff regarding the evaluation include:

- *Why do you want to evaluate my child?*
- *What do you think you may find from the evaluation?*
- *What kinds of tests will you give?*
- *What areas are you going to evaluate?*
- *What will happen if I say no?*
- *Will I get a copy of the evaluation results?*
- *What do I do if I disagree with the results?*

## ***Functional Behavior Assessment***

A Functional Behavior Assessment (FBA) may be conducted as part of an initial evaluation, or as an additional assessment for a student identified with a disability. The FBA is a tool used to:

- Develop improved, quantifiable goals and objectives for conduct and social skills;
- Understand why behavior happens and why it doesn't happen; and
- To improve the selection of what to teach, and how best to teach it, working with the individual student in his/her environment.

An FBA allows a behavior to be broken down into components and allows for:

- Clear description of the problem behavior (s);
- Identification of the events, times, and situations in which the problem behavior does and does not occur;
- Identification of the functions the behavior appears to serve for the individual;
- Development of one or more summary statements or hypotheses that describe the specific behavior, identify where and when they are likely to occur, and identify the outcomes or reinforcements that maintain the behavior in those situations.

A meeting must be held to develop an FBA plan when:

- A parent requests a FBA;
- A student is suspended for 10 or more school days in a school year;
- A student is exhibiting:
  - Behavior that results in self-injury or injury to others;
  - Behavior that causes damage to the physical environment;
  - Behavior that interferes with learning by the student or others;
  - Behavior that socially isolates the student;

- A student is undergoing an initial EBD assessment;
- A student receiving EBD services is undergoing a three-year re-evaluation and has not previously had an FBA.

Following the completion of an FBA, a proactive behavior intervention plan may be developed. This plan specifically describes the services or accommodations a student will receive, the alternative behaviors that will be taught to replace the problem behavior, and the consequences that will result from the student's use of problem behavior.

## ***After the Evaluation***

Following the evaluation, the staff member who coordinated the evaluation process will contact you. This person will coordinate a date and time for you to come to a meeting to review and discuss the results of your child's evaluation. Members of the evaluation team, at least one general education teacher, and sometimes the student will also attend this meeting. The student's participation is determined on an individual basis. Generally, a student in middle school and high school attends this meeting, as his/her input can be valuable.

The results of the evaluation will be summarized in an evaluation report. The purpose of the evaluation report is to document the student's educational needs and determine eligibility for special education. A draft of the report will be given to you either prior to or at the meeting. You will be able to have input into the final report. You also may choose to have an independent evaluation done privately and at your own expense. If you do have an independent evaluation done, the district must consider the results of this evaluation.

If you disagree with the school district's evaluation you have the right to request an Independent Educational Evaluation (IEE) at public expense. Public expense means that the school district either pays for the full cost of the educational evaluation or ensures that the evaluation is provided at no cost to you. Whenever an independent educational evaluation is at public expense, the standards under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must meet the same standards that the school district uses. The school district is required to provide you with a list of qualified professionals who can perform the IEE. You may choose a professional from the list to conduct the IEE. You may request an IEE by contacting the staff person who coordinated the evaluation process. A district supervisor will assist in planning for the IEE.

In rare circumstances, the team may consider an override of the standard eligibility criteria. The state of Minnesota has outlined specific procedures the district must follow to determine if an override is appropriate. Eligibility criteria components must still be addressed in an override decision. In considering an override of the criteria, the team must provide an explanation of why commonly used standards and procedures resulted in invalid findings for the student, what objective data were used to conclude the student has a disability and is in need of specialized instruction, and which data had the greatest relative importance for the eligibility decision. When completing a team override, each team member, including the parent, must sign the report and then indicate whether the report reflects his/her agreement with the team's conclusion.

In some situations it may be beneficial to hold a pre-meeting conference with someone from the evaluation team in order to be better prepared for the meeting with the evaluation team.

If it is determined that the student qualifies for and is in need of special education services, an Individualized Education Program (IEP) is developed.

If a student does not qualify for special education but is still experiencing problems in school, you should discuss your concerns with your child's teacher and building principal. Your child may be entitled to reasonable accommodations under Section 504 of the American with Disabilities Act. (See page 18 for further explanation of the Section 504 of the American with Disabilities Act.)

## Individual Education Program

When a student is determined to be eligible to receive special education services, the IEP team (explained below) will develop a plan to address the student's educational needs. The components of the Individualized Education Program (IEP) serve as the basis for an Individual Family Service Plan (IFSP), for infants and toddlers birth through age two, or an Individualized Interagency Intervention Plan (IIIP) for students who receive services from multiple agencies.

*(The term IEP will be used throughout this document. Unless specified it is meant to include IFSP and IIIP. The forms are different, but the process is the same.)*

### ***Development of the IEP Team***

A critical member of the IEP team is the **IEP manager**, frequently referred to as the **case manager**. The case manager is responsible for the student's overall special education program and for maintaining the student's official special education records. The case manager will schedule and conduct the IEP meetings, coordinate all special and related services for an individual student, inform the student's general education staff members of individual needs and their responsibilities related to implementation, and maintain ongoing communication with parents. The case manager should be the primary contact for parents regarding a student's special education program.

IDEA emphasizes the importance of parents and staff working cooperatively as a team. The development of the IEP team is facilitated by the school district. IDEA requires that the IEP team include general educators, special educators, and a district representative who is knowledgeable about special education. With the combined knowledge and resources of these individuals, students will be assured greater support and subsequent success. Parents/guardians must be invited to attend IEP meetings but cannot be required to do so. Students are also invited to attend, but the team may decide against this if they believe it would not be appropriate.

Other school staff and related service providers may also attend the IEP meetings. Parents may bring anyone they wish to the IEP meetings. As a courtesy, it is suggested that you inform the school district if you plan to bring additional guests or advocates to the meeting. In such cases, the school district will ask that you sign a ***Consent to Release Private Data*** form to allow private educational information to be shared.

Through the ***Notice of Team Meeting***, the school district will inform you of the date, time, and location of the meeting, along with the names of those who will attend. It is possible that all people who are invited to the meeting may not attend. The district can invite only persons with direct educational involvement with the student. The IEP process should be a collaborative process among parents, school staff members, and other professionals who are involved with your child.

As a parent, you have a unique and important perspective on your child's learning style, strengths, and needs. The school staff should ensure that you feel comfortable when communicating with them about your child. As parent/guardian you have the right to be involved in all meetings that discuss the identification, evaluation, IEP development, and educational placement of your child. The law ensures that you and school personnel are equal partners in all steps of the IEP process.

Student participation is important and students are considered important participants at IEP meetings. As students get older, they should become more and more active at their IEP meetings. A student's needs, interests, and preferences should determine the direction for the identified goals and services in the IEP. Supporting active student participation in the IEP process also assists students in developing self-determination skills that are necessary in adult life. When students turn 17, school districts are required to advise them of the rights they will have as adults. Although it is not mandatory that a student attend his or her IEP meeting, the District must take steps to ensure that the student's preferences and interests are considered.

## ***Contents of the IEP***

There are certain items that must be included in the Individualized Education Program (IEP). These items include:

### **Present Levels of Educational Performance (PLEP)**

The IEP must state how the student is currently performing in school. This information is gathered from many sources and may include evaluation information, classroom tests and assignments, teacher observations, and information provided by parents. The PLEP must also include how the student's disability affects his or her involvement and progress in the general education curriculum. For children age three to kindergarten entrance, the PLEP must describe how the child's disability affects his or her participation in developmentally appropriate activities.

### **Annual Goals and Short Term Objectives**

Goals and objectives are not written for the general curriculum. The goals and objectives on your child's IEP must focus on the skills and behaviors your child needs to learn in order to be involved in and progress in the general education curriculum.

**Goals** describe the skill or behavior your child is expected to accomplish within one year. The goals must be measurable, identify the skill or behavior to be changed, state the direction of change, and expected annual ending level of performance. If you have specific goal areas that you believe should be addressed, discuss these with your child's IEP team.

**Objectives** are steps leading to the attainment of the goal. Each goal should have at least two objectives. The objectives should identify the circumstances under which the behavior is to be performed, the skill/behavior to be performed, and what will be used to measure performance.

### **Special Education and Related Services**

This area lists all specialized services the district has agreed to provide, including indirect and direct services. Indirect service means the service provider consults with other team members, but does not provide face to face service with the student. Direct service is the time that the student is personally involved with the service provider. This area also defines where the student will receive services, the amount of time, and the frequency of the service.

### **Least Restrictive Environment (LRE) Explanation**

The IEP must explain how students with disabilities will be educated, to the maximum extent appropriate, with students without disabilities. Special classes, separate schooling, or other removal of students with disabilities from the general education environment may occur only when the nature or severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily. If the student will not participate fully with non-disabled students in the regular classroom and other school activities, the IEP must include a statement indicating the reason(s) for the alternate environment.

### **Participation in State and District-wide Tests**

Most states require achievement tests to be given at various grade levels. The IEP must state the modifications or accommodations to be provided when state or district tests are administered to the student. If the tests are not appropriate for a student, the IEP must state the reasons why and what alternative testing will be used. An accommodation allows students to do the same work as the other students but with a change that allows them to be more successful. An accommodation does not alter the rigor of the material. A modification lowers the rigor of the material and individualizes the measure of success.

### **Secondary Transition Needs and Services**

School districts are required to prepare students with disabilities to progress and move from high school to community life and employment. Secondary transition areas include:

- Jobs and job training
- Recreation and leisure
- Post-secondary education and training
- Home living/daily living skills
- Community participation.

By age 14, (or younger if appropriate) the IEP will begin to incorporate the five transition areas. The IEP must address the course of study that promotes the movement toward the student's post-school goals. Transition needs must be addressed in each subsequent IEP. The IEP must identify instructional and related services to support the five areas of transition. The IEP must also identify interagency responsibilities related to post school goals.

Transition services may include helping students learn to safely use public transportation, helping students and families connect with other community services, and arranging employment opportunities. Other transition services are provided to students who are 18 to 21 years of age and who have not received their high school diploma. Students continue to work on the IEP goals in the transition areas. Students are able to receive their high school diploma by achieving their IEP goals.

Currently, Roseville Area Schools collaborates with the Mounds View School District to provide services for young adults/students going through the transition from student to adult. The Career and Life Transitions (CLT) program provides a wide range of resources to individuals with disabilities in our community. Examples include:

- Interpreters
- Classroom aids/note takers
- Financial aid
- Assistance with problem solving regarding transportation needs

- Information on other agencies and organizations
- Access to disability related resources and other agency referrals
- Advocacy for people with disabilities
- Collaboration with community organizations to provide services and identify needs

### **Transfer of Parent Rights at the Age of Majority**

In the year prior to a student's 18<sup>th</sup> birthday, the student must be informed that all rights will transfer to him/her upon reaching the age of majority, unless a legal guardian or conservator has been appointed. The school district must provide you and your child with a written notice of these rights.

### **Measuring Progress**

The IEP must indicate the frequency and manner in which you will be informed of your child's progress toward annual goals. As a parent of a child with a disability, you should be informed of your child's progress at least as often as parents of children without disabilities.

### **Assistive Technology**

IDEA requires that every IEP team consider and document a student's need for assistive technology. Assistive technology (AT) includes both devices and services. IDEA defines AT as "...any item, piece of equipment, product or system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of students with disabilities". AT services are defined as any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology devices can range from low-tech pencil grips to high-tech computer systems. Assistive technology services may include the following:

- Evaluation of student's needs.
- Training and technical assistance for the student using the device.
- Training and technical assistance for those involved with the student.
- Device selection.
- Aid in acquisition of the device.

If the team determines that your child needs assistive technology, please keep in mind that many devices may be tried and rejected before the device that benefits your child is found. When the essential assistive technology device is identified, it should be described in the IEP. There may be more than one assistive technology device described to help your child. The IEP team may also determine that an Assistive Technology Evaluation is necessary.

### **Adaptations**

Adaptations include supplemental aids and services in both general and special education, as well as program modifications or supports for school personnel to meet the needs of students. Some students with disabilities may be able to participate in the regular classroom and be successful with the use of some "accommodations" or "modifications." An accommodation allows students to do the same work as the other students but with a change that allows them to be more successful. An example is taking a test in a quiet room rather than in the classroom. An accommodation does not alter the rigor of the material.

Accommodations and modifications should be written into a student's IEP. The agreed upon changes should fit the student's individual needs. It is important to involve the student, as appropriate, in this process to get his/her ideas on what changes would be helpful.

### **Extended School Year**

Extended School Year (ESY) refers to special education services needed outside the regular school year to help students maintain progress toward their IEP goals.

Annually the IEP team decides whether extended school year services are needed to assist students to:

- Avoid significant decline in performance (regression) over the summer;
- Avoid slower than expected recoupment of previously gained skills; or
- Attain or maintain self-sufficiency; or
- Be otherwise necessary to ensure an appropriate education.

The term self-sufficiency refers to students who require specialized instruction related to the following skills:

- Basic self-help skills such as toileting, eating, feeding, dressing;
- Muscular control;
- Physical mobility;
- Impulse control;
- Personal hygiene;
- Development of stable relationships;
- Basic communication;
- Functional academic competency, including basic reading and writing skills, concepts of time and money, and numerical or temporal relationships.

The purpose of ESY is to maintain a student's year-end skill level. The IEP team determines eligibility for ESY by using data gathered from observations of the student's regression over breaks (either summer break or scheduled breaks in the school year), and the time needed to recoup skills. If the IEP team determines ESY services are needed, they decide the IEP goals and objectives for ESY service and the amount and type of service needed. ESY services should emphasize maintenance of existing skills as stated in the IEP. Methods may be altered in order to provide maintenance as opposed to acquisition of new skills.

### ***Program Placement Decisions***

Once all the elements of the IEP are determined, including services and supports, the IEP team must make a placement decision. The first placement option considered for each student with a disability must be the general education classroom with the provision of necessary aids and supports. Some students with special education needs will continue to attend their current school but spend all or part of their day in a special education classroom. At times it may be necessary for a student to attend another school in the district or a program outside of the district. A student's specific needs will determine the setting and location for the provision of the services.

# Special Education Services in Roseville

The Special Education Department of Roseville Area Schools serves the needs of students (birth to 21) receiving special education services. The disability categories in which students may receive services are:

- Autism Spectrum Disorder (ASD)
- Specific Learning Disability (SLD)
- Deaf – Blindness
- Speech or Language Impairment (S/L)
- Deaf and Hard of Hearing (D/HH)
- Severely Multiply Impaired (SMI)
- Developmental Cognitive Disability (DCD)
- Traumatic Brain Injury (TBI)
- Emotional or Behavioral Disorders (EBD)
- Visually Impaired (VI)
- Other Health Disabilities (OHD)
- Developmental Delay (DD)
- Physically Impaired (PI)

There are many options within the Roseville Area Schools to serve the special education needs of students with disabilities. It is important to note that this overview is to provide general information to the parents of these students. Based on individual student needs, the IEP team determines the most appropriate type and location of services. **The IEP team determines the educational placement in the least restrictive environment to meet the individual needs of each student.**

Along with the options described below, special education professionals are available to consult with others involved in the student’s life. Parental consent is required for staff to consult or communicate with persons and/or agencies outside of Roseville Area Schools.

Grade Level	Service	Purpose	Service Characteristics
Birth to 3 years of age	<b>Early Intervention</b>	Serves children from birth to 3 years with disabilities typically in the child’s natural environment, which would be the home or daycare setting.	<ul style="list-style-type: none"> <li>• May include collaboration between school districts</li> <li>• Typically home based services</li> <li>• Some children may receive services in a classroom setting</li> <li>• Services may include ECSE Teacher, Physical Therapy, Occupational Therapy, Speech Therapy, Deaf/Hard of Hearing services</li> <li>• Services are based on the child’s needs and documented in an IFSP</li> </ul>
3 to 5 years of age	<b>Early Childhood Special Education (ECSE)</b>	Serves children with disabilities who are pre-kindergarten age.	<ul style="list-style-type: none"> <li>• Classrooms range from non-inclusion to full inclusion depending on the needs of the child</li> <li>• Small group instruction available to help children work on targeted skills</li> <li>• One-on-one instruction is available depending on the needs of the child</li> </ul>
K-12	<b>Indirect Service</b>		<ul style="list-style-type: none"> <li>• A student’s special education teacher or related service provider consults with the mainstream classroom teacher(s) and other service providers regarding the student’s IEP accommodations and/or modifications</li> </ul>

K-12	<b>Direct Service</b>		<ul style="list-style-type: none"> <li>• A student's special education teacher or related service provider may provide specialized instruction in the general education classroom</li> <li>• A student's special education teacher or related service provider may provide specialized instruction in a small group setting or resource room. The student may be removed from the general education classroom for individual and/or small group instruction, returning to the general educational setting for the remainder of the day. The amount of time spent in a resource room will vary based on the student's needs.</li> </ul>
K - 6	<b>ISHINE</b> <i>Inclusively Successful Healthy Individualized Need-based Education</i>	Serves students who demonstrate significant cognitive delays and/or multiple impairments	<ul style="list-style-type: none"> <li>• Functional academic curriculum</li> <li>• Self-help and daily living skills curriculum</li> <li>• Multiple and individualized interventions</li> <li>• Located at Brimhall Elementary School and Parkview Center School</li> </ul>
K - 6	<b>HomeBase</b>	Provides intensive social, emotional, and/or behavioral programming within a structured educational environment	<ul style="list-style-type: none"> <li>• Direct instruction in social, emotional and behavioral skills</li> <li>• Proactive, structured behavior management interventions</li> <li>• Academic instruction in core academic curriculum areas</li> <li>• Located at Central Park and Edgerton Elementary Schools</li> </ul>
K - 6	<b>CID</b> <i>Communicative Interaction Disorders</i>	Provides intensive programming in the areas of communication, social interaction, behavior, functional skills, and sensory needs in a highly structured environment	<ul style="list-style-type: none"> <li>• Direct instruction in social and functional communication</li> <li>• Structured teaching environment</li> <li>• Proactive sensory support for learning success</li> <li>• Individualized social, emotional, and/or behavioral programming</li> <li>• Academic instruction based on Roseville grade level standards</li> <li>• Located at Little Canada Elementary School</li> </ul>
7 - 12	<b>REACH</b> <i>Respect • Excellence • Attitude • Choices • Honor</i>	Provides intensive social, emotional, and/or behavioral programming within a structured educational environment	<ul style="list-style-type: none"> <li>• Direct instruction in social, emotional and behavioral skills</li> <li>• Proactive, structured behavior management interventions</li> <li>• Academic instruction in core academic curriculum areas</li> <li>• Located at Roseville Area Middle School (RAMS) and Roseville Area High School (RAHS)</li> </ul>
7 - 12	<b>DCD</b> <i>Developmental Cognitive Delay</i>	Serves students who demonstrate significant cognitive delays and/or multiple severe impairments	<ul style="list-style-type: none"> <li>• Functional academic curriculum</li> <li>• Self-help, safety, and daily living skills curriculum</li> <li>• Social skills</li> <li>• Multiple and individualized interventions</li> <li>• Located at Roseville Area Middle School (RAMS) and Roseville Area High School (RAHS)</li> </ul>

## Re-Evaluation

If your child already receives special education, he or she must have a re-evaluation at least every three years or more frequently if necessary. The purpose of re-evaluation is to:

- Determine if your child continues to have a disability and is still in need of special education and related services;
- Identify how your child is doing in school, review current educational needs, and identify new educational needs;
- Determine if any changes need to be made in your child's IEP to help your child to:
  - Meet the annual goals and objectives that are in the IEP
  - Participate, as appropriate, in the general curriculum.

Re-evaluation does not necessarily mean more testing. If you ask for a re-evaluation in writing to see if your child needs additional services, or if it is time for the three-year re-evaluation, someone from the school will schedule a meeting to review existing information and discuss this with you.

You are a member of this team. Generally these are the steps:

1. Team members will review the information and test results that have been gathered on your child, including information that you provide to the school. The review will also include observations made by teachers and other school staff, and current classroom-based assessments.
2. The members of the team will decide if there is a need for additional testing to determine whether your child continues to be a "child with a disability" and in need of special education and related services.
3. School personnel will document the team's decision and the reasons for the decision. Parents will receive a copy of this documentation.
4. The team has several options in planning a re-evaluation: It may decide:
  - a. No additional data are needed. An IEP team meeting will be scheduled to develop or update the existing IEP.
  - b. Additional testing is needed. You will then be asked to give consent for the school to begin the testing. If you do not agree to the additional testing you must indicate in writing that you disagree. However, your signature is not needed for the school district to proceed with the re-evaluation. If the school district does not receive written agreement or disagreement within 14 calendar days, the school district will initiate the proposed testing.
5. As a result of the information obtained during the re-evaluation, the school may determine that your child shows no evidence of a disability or is no longer in need of special education and related services. If you do not agree with the school's determination, you have the right to request that school staff conduct additional testing.

## Educational Records

You have the right to view your child's special education records. If you would like to review your child's special education records you must put your request in writing to the Director of Student Services. The district must respond to your request within 10 school days. Your right to inspect and review records also includes the right to an explanation of the content and/or purpose of information in your child's records. The district must keep a log of everyone that accesses your child's special education records. Parental consent is needed for records to be released to persons or agencies outside of the Minnesota educational system. You may request that others be able to

inspect and review the records, however you will need to provide written consent. You may also request copies of your child's records.

If you feel there is information in your child's records that is incorrect or misleading, you have the right to request that the information be removed or changed. If the district does not agree with your request, it must inform you in writing that the changes will not be made and will offer a meeting to resolve the differences. If you and the district cannot reach an agreement, you have the right to a hearing to challenge the district's position. A hearing officer will make a decision. You can also add your information to what is in question in the student's file.

By district procedure, student records are maintained for 7 years following graduation. Before any educational records regarding your child are destroyed, the district needs to inform you of its intent. This is communicated via school newsletters and district-wide mailings. You will not receive an individual letter.

Records are maintained at the student's home school while enrolled in Roseville Area Schools. The record follows the student if he/she moves to another Roseville Area school. If special education services are discontinued, the record remains with the student's cumulative file. When a student graduates or ages out of special education, records are transferred to secure off-site storage.

## **Section 504**

### ***504 Plan***

Section 504 is a civil rights law that protects individuals with a disability from discrimination for reasons related to their disability and ensures that a student with a disability has equal access to an education. Section 504 does not require the schools to provide an IEP. A person is handicapped under the definition of Section 504 if he or she:

- has a physical or mental impairment which substantially limits one or more of the person's major life activities (caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);
- has a record of such an impairment; or
- is regarded as having such an impairment.

When a condition significantly limits a major life activity, an accommodation plan must be developed for that student. Services under Section 504 must be determined by a team.

A 504 Plan is provided to any student who has been diagnosed with a "handicapping condition" which significantly impacts the ability to perform in school. The requirements for a student to qualify for a 504 Plan are somewhat less restrictive than special education criteria. A 504 Plan is most often utilized for students who are diagnosed with some form of physical, mental health, or medical condition (such as attention deficit disorder) but otherwise do not meet eligibility requirements for special education services. A 504 Plan is a written, legally binding, plan. It provides for accommodations for the student, but not for specially designed instruction.

# Statewide Testing Guidelines for Students with IEPs

## ***Accountability Tests***

As a result of No Child Left Behind, **all** public school students enrolled in grades 3-8, 10, and 11 must take the accountability tests, including students who receive special education services. The purpose of the Minnesota Comprehensive Assessments – Series II (MCA-II) is to measure Minnesota student achievement with regard to the Minnesota Academic Standards. The MCA-IIs are reading and mathematics tests that meet the accountability requirements of the 2002 federal legislation, No Child Left Behind (NCLB). Minnesota will add science tests in 2008. NCLB requires that all public school students in grades 3-8 and in one grade in high school be assessed in reading and mathematics. The MCA-IIs in reading and mathematics or The Minnesota Test of Academic Skills (MTAS) are used to meet this requirement. Minnesota public schools and districts, including charter schools, are required to assess all students who are enrolled in the district during the state’s three week testing window.

## ***GRAD (Graduation-Required Assessment for Diploma)***

To be eligible for a diploma from a Minnesota public high school, students enrolled in grade 8 in the 2005-06 school year or later must pass the GRAD, which is embedded in the reading and mathematics MCA-IIs, and the GRAD Test of Written Composition. The Class of 2010, the first group of students that will take the GRAD tests, will take the grade 9 GRAD Test of Written Composition in 2007, the grade 10 reading GRAD/MCA-II, and the grade 11 mathematics GRAD/MCA-II.

## ***Basic Skills Tests (BST)***

To be eligible for a diploma from a Minnesota public high school, students who entered grade 8 in 2004-2005 or earlier must achieve passing scores on the Basic Skills Tests (BSTs) in reading, mathematics and written composition.

## **Written Composition**

The Test of Written Composition is initially given in grade 10. The last time this test will be given to all tenth graders will be January 2007. Students in grades 11-12 who have not yet passed this test will have opportunities to retest in January and July 2007. Seniors will be given an additional testing opportunity in April 2007.

## **Reading and Mathematics (Retests only)**

The Reading and Mathematics BSTs, which are being phased out, are no longer given to all students in grade 8. The 8th grade students in 2004-05 were the last students who had to pass these tests in order to graduate. Students in grades 10-12 in 2006-07 who have not yet passed a BST in reading and mathematics will have opportunities to retest in February and July 2007. Seniors will be given an additional testing opportunity in April, 2007. Students in grades 10-12 who move into the state must also pass these tests if they expect to receive a diploma from a Minnesota school.

## ***Testing Accommodations***

The purpose of the statewide assessments is to understand how well Minnesota students have met the academic standards that educators have determined are essential for all students. Most students can show what they know or can do under standard testing conditions, but for some students with

disabilities it is both fair and appropriate to make adjustments, or accommodations, to the test. These accommodations should reduce or even eliminate the effect of the disability without lowering the expectations for their learning. It is critical that accommodations are selected and implemented in ways that “level the playing field” for students with special needs, yet maintain the integrity of the test so that valid judgments can be made about student learning.

Accommodations are practices and procedures in the areas of presentation, response, setting and timing/scheduling which provide equitable access to grade level content for students with special needs. It is important to keep in mind that the purpose of accommodations during instruction and assessment is to provide equitable access to the general education curriculum. The IEP team must carefully consider each accommodation selected.

### ***Modifications***

The IEP team can make modifications for the Basic Standards Tests (BSTs). The IEP or 504 Team is able to make adjustments in the testing conditions or even in the test itself, as long as test security is not compromised. These large adjustments, called modifications, change the meaning of the test score. Some examples are setting a lower passing score (before or after the student takes the BST), giving the student a second day of testing, or requiring the student take only part of the test.

**No modifications are available for the MCA-II or other accountability tests.**

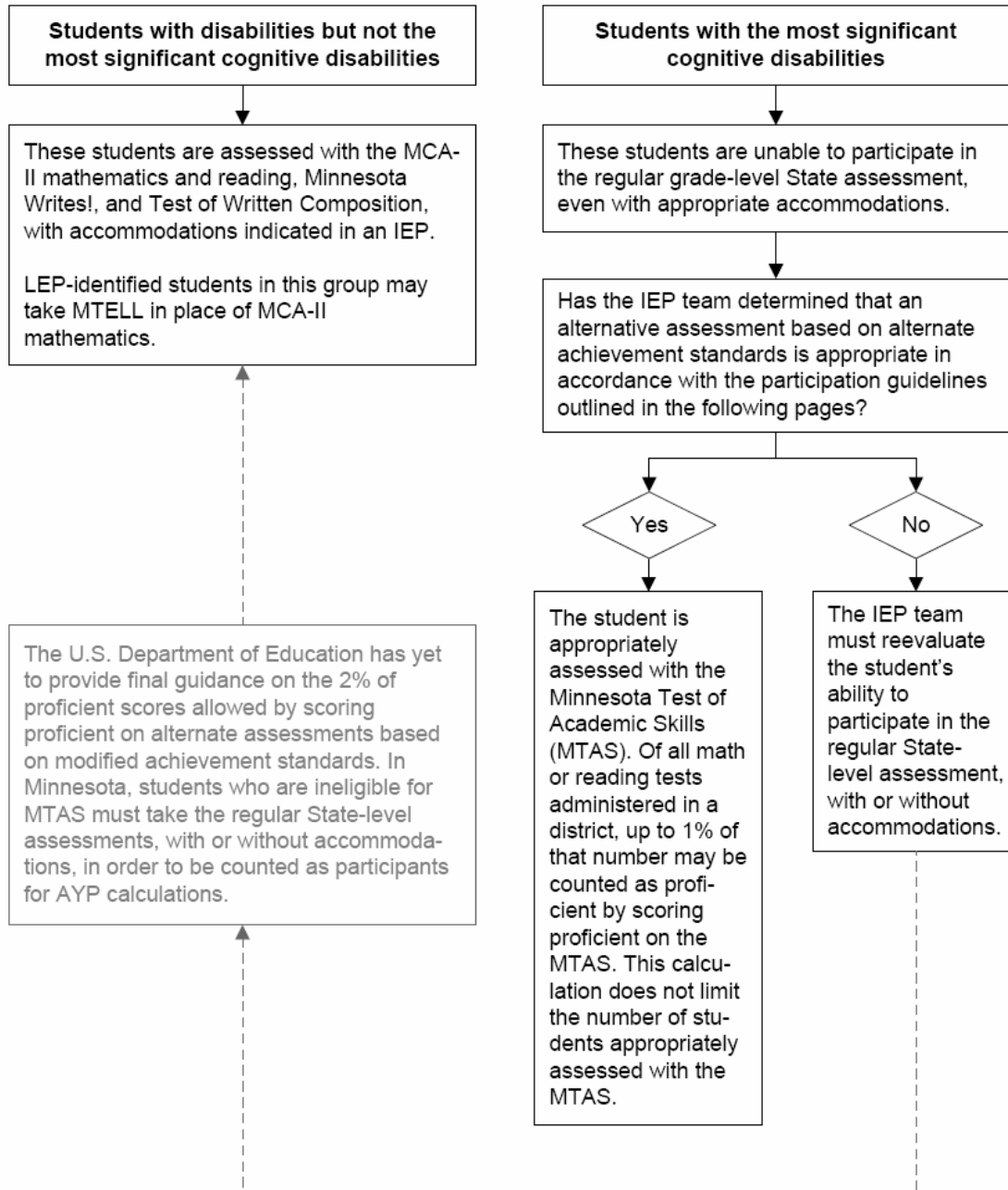
### ***Alternate Assessments***

**The Minnesota Test of Academic Skills (MTAS)** is Minnesota’s new alternate assessment based on alternate achievement standards. The MTAS is part of the statewide assessment program and will be designed to measure the extent to which students with significant cognitive disabilities are making progress in the general curriculum. The MTAS will be administered beginning in spring 2007. Participation in the MTAS is limited to those students whose IEP team determines that a reading and/or math MCA-II is not appropriate and that the student meets the criteria for the test.

In previous years, teachers have completed one or more of the Minnesota Alternate Assessments in Reading, Math, and Functional Skills for students with disabilities whose academic performance was not appropriately measured with the regular assessment. These previously administered alternate assessments will no longer be available as they do not meet federal guidelines.

**MDE Writing Alternate Assessment** from past years will continue to be used in 2006-07 with students whose classmates are taking one of the state’s writing tests.

## Assessment Decisions for Students with an Individualized Education Plan (IEP)



*Reprinted from the MDE Procedures Manual for the Minnesota Assessments, December 8, 2006*

# Disciplining Students with Disabilities

The Minnesota Pupil Fair Dismissal Act applies to both general and special education students and there is nothing in IDEA that restricts schools from disciplining a student with a disability. School systems have the legal responsibility to provide a safe, violence-free environment and have the legal right and responsibility to discipline students and to ensure all students and parents are familiar with the discipline policy. Some students may need specialized services to change disruptive or dangerous behavior and to prevent reoccurrences. Consequently it may be necessary to develop some goals to learn and use more adaptive behavior, as part of the IEP.

*Remember, special education students are subject to the same rules and codes of conduct as general education students. Additional processes may apply for students who have an IEP.*

The law states that schools shall consider strategies, including positive behavioral interventions and supports to address the behavior that impedes learning. It is the responsibility of the IEP team to review the discipline policy and develop a behavior plan if it is needed. Behavioral goals should be measurable and must be reviewed and modified as necessary. When students with disabilities develop a new pattern of problematic behavior, a team meeting should be scheduled to determine if additional interventions or modifications are necessary. The team may consider a functional behavioral assessment.

Under IDEA and Minnesota law, a manifestation determination meeting must be held whenever any of the following occur:

- A parent requests a meeting following a disciplinary incident
- A student is suspended for five or more consecutive school days
- The total days of removal exceeds 10 cumulative days in a school year.

In a manifestation determination meeting, the IEP team determines if a student's behavior is a manifestation of his/her disability and if the current placement is appropriate. If the behavior is not related to the student's disability, provisions in the discipline policy and Pupil Fair Dismissal Act will apply. If the team determines the behavior is a manifestation of the student's disability the team must:

- Return the student to the educational placement from which he or she was removed, unless the parent and district agree otherwise or grounds exist for a 45-day unilateral change of placement
- Conduct a functional behavior assessment and implement a behavioral intervention plan for the student.

When a suspension exceeds five consecutive days the district must provide alternative educational services to students with IEPs beginning on the sixth day.

**Special Circumstances:** A district may unilaterally place a student in an appropriate interim alternative educational setting for up to 45 school days if the student does any of the following while at school, on school premises, or at a school function:

- Possesses a weapon
- Knowingly possesses or uses illegal drugs
- Sells or solicits the sale of a controlled substance

- Inflicts serious bodily injury on another person

The IEP team must complete a manifestation determination before invoking the right to unilaterally change the student's placement for up to 45 days. The district may, however, impose the change of placement regardless of the outcome of the manifestation determination.

## Disagreements May Occur

You have the right to disagree with the school district's decisions concerning IEPs, evaluations or educational placements of your child. It is important to remember, however, that all members of the IEP team have your child's best interest in mind and desire that your child be successful.

An IEP is a legally binding contract. Items agreed to at an IEP meeting should be included when the document is written. Carefully review the proposed IEP to ensure that all items proposed at the IEP meeting are included. If you think an agreed upon item is missing, contact the case manager to discuss this prior to giving written consent. If you have concerns about the services provided to your child, you should contact your child's case manager. If the case manager is unable to assist you, the next step is to speak with the school principal or Director of Student Services.

It is not uncommon for differences to arise between members of a student's IEP Team. In keeping with the district's equity vision and community values, generally parents and school staff can resolve issues without resorting to a formal process. There may, however, be times when the parents and the district are unable to resolve the differences. Options are available, to you and the school district, to help resolve these differences. You may contact the Minnesota Department of Education, Division of Special Education for information regarding the steps to follow to address your concerns (651-582-8200). Please refer to the appendix for a description of formal options available for resolving disputes.

## Community Supports

Schools are responsible for the educational needs of students. Some students with disabilities, and their families, have needs that extend beyond the school. The information in this section is intended to provide an overview of some resources outside the schools.

### ***Conservatorship and Guardianship***

A parent is considered a child's natural guardian until the age of 18. Once your child turns 18, he/she is considered an adult and you, as a parent, are no longer able to make decisions on your child's behalf. It is assumed that your child can make his/her own educational decisions.

For some families this may not be in the child's best interest. There are two options that parents may wish to explore to determine what is best for your child. Both options require a court hearing to establish the need for substitute decision-making for an individual with a disability.

**Guardianship** is the most restrictive limitation on personal decision-making that a court can impose. All rights, including the right to vote, are removed from the individual. The guardian(s) established by the court is to act in the best interest of the individual.

Conservatorship is less restrictive and the individual is not considered incapacitated in all areas. A conservatorship can be customized to the needs of the individual, but is limited to the individual's estate.

A guardian of a person has the power to make certain personal decisions for an incapacitated person. A conservator of the estate makes financial decisions for that person. Under the new law (2003), a person under guardianship is still called a "ward". A person for whom there is conservatorship of the estate is called a "protected person".

*Information reprinted with permission from the Minnesota Disability Law Center.*

## ***Government and County Financial Assistance***

Minnesota offers several health care programs that may pay for past, current and future medical costs for a child who has a disability.

- **Medical Assistance** is Minnesota's Medicaid program. It provides health care coverage for low-income people with disabilities, including home care and nursing home care.
- **TEFRA** is a Medical Assistance (MA) program for children with disabilities that provides Medical Assistance to certain disabled children who live at home with their families.
- **Home and Community-Based Waivered Services** programs attempt to provide a family the necessary supports to keep a disabled child living in the family home and community.
- **Home and Community Based Waiver Programs** are for Minnesotans with disabilities or chronic illnesses who are enrolled in Medical Assistance and need care or services beyond what MA covers. These programs are designed to support a person with a disability or chronic illness in their home who might otherwise be in a hospital, nursing facility or intermediate care facility if they did not have this program.
- **Medical Assistance for Employed Persons with Disabilities** allows working people with disabilities, between the ages of 16 and 64, to qualify for Medical Assistance under higher income and asset limits.
- **Minnesota Care** is a subsidized health insurance program for Minnesota residents who do not have access to affordable health care coverage, including Medicare.

### ***TEFRA***

TEFRA (Tax Equity and Fiscal Responsibility Act of 1982, a federal law) allows some children with disabilities, who live with their families, to be eligible for Medical Assistance without counting their parent's income. This is an optional program for states. Any family has the right to determine their eligibility for TEFRA. If your child is found not to have a disability, you may appeal that decision.

Only the child's income and assets are counted when determining Medical Assistance (MA) eligibility. Your income and property are NOT counted. What counts is the level of care a child needs. Minnesota law requires that some parents pay part of the cost of the MA benefits their children receive. Monthly fees are based on the family's federal adjusted gross income (before taxes) and household size. These fees are reassessed annually. Please note that the monthly fee is required, regardless of use.

To qualify for TEFRA, a child must meet ALL of the following conditions:

- Live with at least one parent

- Be under 18
- Have a disability determination from the State Medical Review Team (If your child is found not to have a disability, you may appeal that decision.)
- Need a certain level of home health care to stay at home which compares to the level of care provided in a hospital, nursing home or an intermediate care facility for the mentally retarded
- The cost of the care must not be more than the cost for care in a medical institution.

### ***Applying for Medical Assistance and/or TEFRA***

You must first complete an application. Applications are available from many health care providers or from the internet at <http://www.dhs.state.mn.us/main> . You may also call Ramsey County at 651-431-2670 (1-800-657-3739 outside the metropolitan area). Applications should be returned to: Human Services Department  
160 East Kellogg Boulevard  
St. Paul, MN 55101-1494

If you need help completing the application contact Ramsey County Human Services Department by phone at 651-266-4444 or in person at the address above.

A state medical review team will be assigned to assess your child's disability. A county worker will review your application and notify you regarding your eligibility within 60 days of your application.

If approved, a notice is sent to the state. The state may request verification of family income to determine the parental fee. After MA is approved, your child is eligible for different types of medical services and assistance including Personal Care Attendant (PCA)/respite services.

### ***Developmental Disability Social Worker/Waivered Services***

Minnesotans with disabilities or chronic illnesses who need certain levels of care may qualify for the state's home and community-based waiver programs. The goal of **Waivered Services** is to give a family the necessary supports to keep their child living in the family home and community.

You must qualify for a Minnesota Health care program through Minnesota Medical Assistance and have a **Developmental Disability Social Worker** before you can apply for Waivered Services and other programs or services designed for children with disabilities and their families. Contact Ramsey County Human Services at 651-266-4444 to get further information. A social worker will discuss your situation with you.

The Minnesota Department of Health sponsors seminars regularly for children with special needs.

Minnesota has chosen to enter into a number of waiver agreements in order to provide Minnesotans with more choice in their services. There are some differences in the services available in each waiver and the amount of money that a person can use to purchase supports. Each program includes specific eligibility criteria, because each of the waiver programs was written to meet federal guidelines. Eligibility is determined through a screening process. Each program has specific requirements differing with the disability and the program specifications.

Some of the things that a waiver could be used for include:

- Equipment needed for your child (i.e. swings, trampolines).
- PCA/respite care.
- Caregiver training and materials.
- Environmental modifications (i.e. fences).
- Specialist services – includes services that are not available through regular Medical Assistance.

### ***Consumer Directed Community Supports***

Consumer Directed Community Supports (CDCS) is a unique service option that gives persons more flexibility and responsibility for directing their services and supports, including hiring and managing direct care staff. CDCS may include services, support and/or items currently available through waivers, as well as additional allowable services that provide needed support to persons. CDCS is a service option under several home and community-based programs. As of April 1, 2005, CDCS is available as a statewide service when persons are enrolled in some of the Minnesota health care programs. CDCS has a range of allowable services and supports that can be tailored to meet a person's needs. The flexibility built into CDCS allows a person to plan the services and supports in ways that are meaningful to the person. A person's plan can include a mix of required and optional services and supports. For more information on CDCS, contact your local county agency. If you are enrolled in MSHO or MnDHO, contact your specific health plan.

# Resources

## *Organizations for Persons with Disabilities*

### **Arc Minnesota**

770 Transfer Rd., #26

St. Paul, MN 55114-1422

Telephone: 651-523-0823

Web: <http://www.TheArcOfMinnesota.org/>

*Arc Minnesota is a private non-profit, statewide voluntary organization that is dedicated to ensuring the full participation in the communities of people with developmental disabilities and to improving their lives and the lives of their families by:*

- Promoting a system of support and self-sufficiency.
- Advocating for basic civil rights.
- Increasing public awareness.
- Improving public policies.
- Providing information and referral resources.
- Developing opportunities and services, enabling people to become contributing members of their communities.

### **Autism Society of Minnesota (AuSM)**

2380 Wycliff Street, Suite 102

St. Paul, MN 55114

Phone: 651-647-1083

Web: <http://www.ausm.org>

E-mail: [mpowell@ausm.org](mailto:mpowell@ausm.org)

*Serving the needs of Minnesotans with autism and their families through advocacy, education, and public awareness since 1971.*

### **Brain Injury Association of Minnesota**

43 Main St. SE, Suite 135

Minneapolis, MN 55414

Phone: 612-378-2742

Web: <http://www.braininjurymn.org>

E-mail: [info@braininjurymn.org](mailto:info@braininjurymn.org)

*The Brain Injury Association of Minnesota provides help, hope and a voice for the 94,000 Minnesotans who live with a permanent disability as a result of brain injury.*

### **Children and Adults with Attention Deficit/Hyperactivity Disorder (CHADD)**

Twin Cities Chadd

Web: <http://www.chadd.org>

E-mail: [prompt@gttd.org](mailto:prompt@gttd.org)

*CHADD is the nation's leading non-profit organization serving individuals with Attention-Deficit/Hyperactivity Disorder (AD/HD). Through collaborative leadership, advocacy, research, education and support, CHADD provides science-based information about AD/HD to parents, educators, professionals, the media and the general public.*

**Courage Center**

3915 Golden Valley Road

Minneapolis, MN 55422

Phone: 1-888-846-8253

Web: <http://www.courage.org>

E-mail: [Courageinfomation@courage.org](mailto:Courageinfomation@courage.org)

*Courage provides a full range of more than 70 programs and services of rehabilitation, mental health, community living, vocational and recreational services at its two main campuses in Minneapolis and Stillwater, Minnesota. They offer selected services in client homes and at more than two -dozen sites across the region, including clinics, senior living facilities, schools, and other community facilities. Courage also operates two permanent camp locations and several regional day camps.*

**Down Syndrome Association of Minnesota**

668 Transfer Road

St Paul, MN 55114

Phone: 651-603-0720 or 800-511-3696

Web: <http://www.dsamn.org/>

E-mail: [dsamn@dsamn.org](mailto:dsamn@dsamn.org)

*The Down Syndrome Association of Minnesota is a non-profit organization dedicated to ensuring that all individuals with Down syndrome and their families receive the support necessary to participate in, contribute to and achieve the fulfillment of life in their community.*

**Epilepsy Foundation of Minnesota**

2356 University Avenue West, Suite 405

St Paul, MN 55114

Phone: 651-646-8675

Web: <http://www.efmn.org/>

E-mail: [vkopplin@efmn.org](mailto:vkopplin@efmn.org)

*The Epilepsy Foundation of Minnesota is a non-profit organization focused on enhancing the quality of life of those affected by seizures.*

**Minnesota Association for Children's Mental Health**

165 Western Avenue, Suite 2

St. Paul, MN 55102

Phone: 651-644-7333

Web: <http://www.macmh.org/>

E-mail: [dsaxhaug@macmh.org](mailto:dsaxhaug@macmh.org)

*The mission of the Minnesota Association for Children's Mental Health is to enhance the quality of life for children with emotional/behavioral disorders and their families.*

**Minnesota Association for Hearing Impaired (MAHI)**

P.O. Box 480046

Coon Rapids, MN 55448

Phone: 763-755-3790 (V-TTY)

E-mail: [Debbiepe@juno.com](mailto:Debbiepe@juno.com)

*A metro association that provides support to children who are deaf or hard of hearing and their families.*

### **Minnesota Children with Special Needs**

Minnesota Department of Health

85 East Seventh Place / PO Box 64882

St. Paul, MN 55164-0882

Phone: 651-215-8956 OR 1-800-728-5420

Web: <http://www.health.state.mn.us/divs/fh/mcshn/mcshn.html>

E-mail: [mcshnweb@health.state.mn.us](mailto:mcshnweb@health.state.mn.us)

*Minnesota Children with Special Health Needs (MCSHN) is a public program, which seeks to improve the quality of life for children with special health needs and their families. They promote the optimal health, well-being, respect and dignity of children and youth with special health needs and their families. They provide statewide support to achieve:*

- *Early identification, diagnosis and treatment.*
- *Family centered services and systems of care.*
- *Access to health care and related services.*
- *Community outreach and networking.*
- *Collection and dissemination of information and data.*

*Their goal is healthier children, youth, families and communities.*

### **Minnesota Comprehensive Epilepsy Program (MINCEP) Epilepsy Care P.A.**

5775 Wayzata Blvd., #255

Minneapolis, MN 55416

Phone: 952-525-2400

Web: <http://www.mincep.com/>

*A clinic dedicated to seizure control.*

### **Minnesota Speech-Language-Hearing Association**

P.O. Box 26115

St. Louis Park, MN 55426

Phone: 952-920-0787

Web: <http://www.msha.net/>

*Founded in 1936, the Minnesota Speech-Language-Hearing Association, MSHA, is a nonprofit organization with approximately 1000 members in the professions of speech-language pathology and audiology. The organization's goals are concerned with the prevention, assessment and treatment of communication disorders and the study of normal and disordered human communication.*

### **Minnesota Tourette Syndrome Association**

7317 Cahill Rd. #231

Edina, MN 55439

Phone: 952-918-0350

Web: <http://www.tsa-mn.org/>

*Tourette Syndrome Association is a group dedicated to serving families and individuals affected by Tourette Syndrome.*

**Muscular Dystrophy Association**

4530 W. 77th St., Room 164

Minneapolis, MN 55435

Phone: 952-832-5517

Web: <http://www.mdausa.org/>

*MDA provides extensive services for those with neuromuscular diseases.*

**National Alliance for the Mentally Ill-Minnesota (NAMI-MN)**

970 Raymond Ave., #105

St. Paul, MN 55114-1146

Phone: 651-645-2948

Web: <http://www.nami.org/>

*The National Alliance for the Mentally Ill (NAMI) is a nonprofit, grassroots, self-help, support and advocacy organization of consumers, families, and friends of people with severe mental illnesses, such as schizophrenia, major depression, bipolar disorder, obsessive-compulsive disorder, and anxiety disorders.*

**National Federation of the Blind of Minnesota, Inc.**

100 E. 22nd St.

Minneapolis, MN 55404

Phone: 612-872-9363

Web: <http://www.blindinc.org/>

E-mail: [jscanlan@blindinc.org](mailto:jscanlan@blindinc.org)

*Teaches the skills that blind people need to become independent and employable, such as Braille, home management, the use of the white cane, and computers with screen reading software, etc. But just as importantly, they instill in their students the confidence to put these skills into practice.*

**National Information Center for Children and Youth with Disabilities**

P.O. Box 1492

Washington, DC 20013

Phone: 800-695-0285

Web: <http://www.nichcy.org/>

*NICHCY is the national information center that provides information on disabilities and disability-related issues. Anyone can use their services—families, educators, administrators, journalists, and students. Their special focus is children and youth (birth to age 22).*

**PACER Center (Parent Advocacy Coalition for Educational Rights)**

8161 Normandale Boulevard

Minneapolis, MN 55437

Phone: 952-838-9000 or 800-537-2237

Web: <http://www.pacer.org/>

*PACER's mission is to expand opportunities and enhance the quality of life of children and young adults with disabilities and their families, based on the concept of parents helping parents. PACER conducts a wide variety of workshops for families and professionals. PACER has a technology center that allows parents to try out hardware and software to see if it is appropriate for their child. Parent advocates are also available to assist families in navigating the special education system.*

### **Spina Bifida Association of Minnesota**

P.O. Box 29323

Brooklyn Center, MN 55429

Phone: 651-222-6395

Web: <http://www.sbaa.org/index.shtml>

*The mission of the Spina Bifida Association of America is to promote the prevention of spina-bifida and to enhance the lives of all affected*

### **United Cerebral Palsy of Minnesota, Inc.**

1821 University Ave., #286S

St. Paul, MN 55104-3094

Phone: 651-646-7588

Web: <http://ucp.org/>

E-mail: [ucpmn@cpinternet.com](mailto:ucpmn@cpinternet.com)

*UCP is the leading source of information on cerebral palsy and is a pivotal advocate for the rights of persons with any disability. As one of the largest health charities in America, UCP's mission is to advance the independence, productivity and full citizenship of people with cerebral palsy and other disabilities.*

## **State and Governmental Agencies**

### **Minnesota Department of Education**

Web: [http://education.state.mn.us/html/mde\\_home.htm](http://education.state.mn.us/html/mde_home.htm)

*A helpful website that includes the laws and rules regarding special education in Minnesota. Lists disabilities and criteria, information for parents and students, and much more.*

### **Minnesota Department of Human Services**

DHS Central Office

444 Lafayette Road North

St. Paul, MN 55155

Phone: 651-297-3933

TDD: 1-800-627-3529

Web: <http://www.dhs.state.mn.us/>

*The Minnesota Department of Human Services provides health care, economic assistance and other services for people who do not have the resources to meet their basic needs. As the state's largest agency, they:*

- *Work with counties and other partners on welfare reform and critical aging and children's issues.*
- *Oversee the state's four publicly funded health care programs.*
- *License childcare and day care facilities, manage budgets and distribute grants.*
- *Provide state operated services through residential treatment centers and community based facilities.*
- *Measure performance and outcomes of programs.*
- *Apply technology to make our work more effective and efficient.*
- *Develop an internal workforce to assure quality work.*
- *Conduct projects to respond to special needs or issues*

## **Minnesota Office of the Ombudsman for Mental Health and Mental Retardation**

121 7th Place E. Ste 420

St. Paul, MN 55101-2117

Phone: 651-296-3848

Web: <http://www.ombudmhm.state.mn.us/>

*The Ombudsman for Mental Health and Mental Retardation assists with the following:*

- *Concerns or complaints about services.*
- *Questions about rights.*
- *Grievances.*
- *Access to appropriate services.*
- *Ideas for making services better.*
- *General questions.*

## **Minnesota State Council on Disability**

121 E. 7th Place, Suite 107

St. Paul, MN 55101

Phone: 651-296-6785

Web: <http://www.disability.state.mn.us/>

*The Minnesota State Council on Disability (MSCOD) is an agency that collaborates, advocates, advises and provides information to expand opportunities, increase the quality of life and empower all persons with disabilities. Services are provided to individuals with disabilities and their families, the governor and Legislature, government and private agencies, employers and the general public.*

## **Social Security Administration**

Office of Public Inquiries

Windsor Park Building

6401 Security Blvd.

Baltimore, MD 21235

Phone: 800-772-1213

Web: <http://www.ssa.gov/>

*The mission of the Social Security Administration is to promote the economic security of the nation's people through compassionate and vigilant leadership in shaping and managing America's Social Security programs.*

## **U.S. Department of Education, Office of Special Education Programs**

Office of Special Education Programs

Office of Special Education and Rehabilitative Services

U.S. Department of Education

400 Maryland Avenue, S.W.

Washington, DC 20202

Phone: 202-205-5507

Web: <http://www.ed.gov/about/offices/list/osers/osep/index.html>

*The Office of Special Education Programs (OSEP) is dedicated to improving results for infants, toddlers, children and youth with disabilities from birth through age 21 by providing leadership and financial support to assist states and local districts*

## ***Disability Specific Links***

### **Down Syndrome: Health Issues**

<http://www.ds-health.com/>

### **LDA Learning Center**

<http://www.ldlearningcenter.com/>

### **Learning Disabilities Online**

<http://www.LDonline.org>

### **Children with Diabetes**

<http://www.childrenwithdiabetes.com>

### **Sensory Processing Disorder Network**

<http://www.sinetwork.org>

### **One ADD Place**

<http://www.oneaddplace.com/>

### **ADD Warehouse**

<http://www.addwarehouse.com>

### **DeafBlind Service Minnesota, Inc.**

<http://www.dbsm.org/>

### **International Dyslexia Association**

<http://www.interdys.org/>

### **Trainland** - a LOT of autism information and links.

<http://trainland.tripod.com/>

## ***Legal Resources***

### **Free and Reduced Cost Legal Resources**

<http://education.state.mn.us/mdeprod/groups/Compliance/documents/FAQ/002146.pdf>

### **Minnesota Alternative Dispute Resolution**

<http://www.mnadr.state.mn.us>

### **WRIGHTSLAW**

<http://www.wrightslaw.com/>

## ***Advocacy and Support Groups***

**PACER - Parent Advocacy Coalition for Educational Rights**

<http://www.pacer.org/>

**Family Service, Inc. – Learning Disabilities Program**

<http://www.familyinc.org/> (Children’s Home Society and Family Services)

**St. David’s Mother’s Sharing Group**

952-939-0396

**Autism Society of Minnesota** - Offers many support groups as well as classes.

<http://www.ausm.org/>

**Advocating Change Together**

An organization run by and for people with developmental disabilities. Advocating Change Together (ACT) started in 1979 in response to the growing concern that individuals with developmental disabilities were being isolated and excluded from decisions regarding their lives.

<http://www.selfadvocacy.com/> local chapter telephone: 651-641-0297

## ***Miscellaneous Resources***

**American Sign Language** – this site demonstrates words being signed.

<http://commtechlab.msu.edu/sites/aslweb/>

**Closing the Gap** – this site deals with assistive technology.

<http://www.closingthegap.com/>

**Direct Ability** – a directory devoted to disability related products, services, resources and information in Minnesota.

<http://www.directability.com/>

**QualityMall** - an international web site with lots of free information about the best person-centered supports for people with developmental disabilities.

<http://www.qualitymall.org/>

## ***Special Education Legislation Links***

**Individuals with Disabilities Education Act**

<http://www.fape.org/>

**Section 504 of the Rehabilitation Act of 1973**

<http://www.hhs.gov/ocr/504.html>

**The Americans With Disabilities Act (ADA)**

<http://www.adagreatlakes.org/>

**Minnesota state law on special education, Minnesota Statutes M.S. 125A and Regulations Chapter 3525**

<http://www.revisor.leg.state.mn.us/stats/125A>

<http://www.revisor.leg.state.mn.us/arule/3525>

**Minnesota Department of Education**

[http://education.state.mn.us/MDE/Learning\\_Support/Special\\_Education/index.html](http://education.state.mn.us/MDE/Learning_Support/Special_Education/index.html)

**PACER (Parent Advocacy Coalition for Educational Rights)**

Contact PACER Center's advocates for fact sheets and specific questions about important laws, or visit the Web site.

<http://www.pacer.org/>

## ***Community Resources***

**Children's Home Society and Family Service, Inc.**

(formerly LDM Learning Disabilities of MN)

166 4th St. E., #200

St. Paul, MN 55101

Phone: 651-222-0311

Web: <http://www.familyinc.org/>

E-mail: [ldmldm@primenet.org](mailto:ldmldm@primenet.org)

*Family Service is a non-profit, multi-service agency that has been providing high-quality, professional services that have strengthened families and individuals for over 100 years. Special emphasis is placed on service to disadvantaged and low-income people.*

**Division of Rehabilitation Services**

Web: <http://www.deed.state.mn.us/rehab/>

*Rehabilitation Services provide transition information and resources and their focus is on jobs. Counselors are able to provide access to funds to pay for assessments, equipment, and postsecondary training.*

**Fraser Community Services**

2400 West 64th Street

Minneapolis, MN 55423

Phone: 612-861-1688

Web: <http://www.fraser.org/>

E-mail: [fraser@fraser.org](mailto:fraser@fraser.org)

*Fraser is a non-profit organization serving children of all abilities and adults with special needs. Fraser provides services, information, recommendations, and support to families and individuals.*

## **Institute on Community Integration, University of Minnesota**

University of Minnesota  
102 Pattee Hall, 150 Pillsbury Drive SE  
Minneapolis MN 55455  
Phone: 612-624-6300

*Their mission is to improve community services and social supports available to individuals with developmental and other disabilities and their families, throughout the United States and abroad. This mission is fulfilled through research, professional training, technical assistance, and publishing activities.*

## **Life Pages**

Web: <http://www.lifepages.org/>

*This site was developed to help a person find information about recreation and leisure activities, services, advocacy, and other useful things about life in Minnesota. Life Pages offers information for Minnesotans of all ages and abilities that want to enrich their leisure lifestyle as well as their connections to the greater community.*

## **Maplewood Community Education**

Phone: 651-748-7436

*Maplewood Community Education offers a unique program for individualized water experience for people with disabilities. Children and youth receive one-to-one instruction from trained volunteers. Classes are held in the fall and spring at the John Glenn Middle School pool located at 1560 E. County Road B in Maplewood. Classes are held once per week, for a six week session. This pool is accessible by a stairway and the water is a comfortable 84 degrees.*

## **Metro Association for Adapted Athletics**

Web: <http://www.mnadaptedathletics.com>

*The mission of the Metro Association for Adapted Athletics is to provide youth with disabilities the same opportunity as other students to enjoy the benefits of a quality high school sports program. Adapted Athletics are available to eligible students through participation on a joint team with Mounds View Schools (RAMS team). The team is comprised of eligible students in grades 7-12 who attend school in the Mounds View and Roseville School districts. There are two competitive interscholastic divisions: Physically Impaired (PI) and Cognitively Impaired (CI). There are three seasons, all of which are held in indoor gymnasiums. The fall sport is soccer; winter is floor hockey and spring is softball. Teams are located throughout the greater Twin Cities Area and St. Cloud. For more information on the RAMS team, call 651-639-6020 (Mounds View Public Schools) and ask for the Adapted Athletics Coordinator.*

## **Minnesota State High School League**

2100 Freeway Boulevard  
Brooklyn Center, MN 55430-1735  
763-560-2262

Web: <http://www.mshsl.org/>

*The Minnesota State High School League provides educational opportunities for students through interscholastic athletic and fine arts programs and provides leadership and support for member schools.*

## Roseville Area Schools

### Parents of Young Children with ASD

*This group meets six times during the school year at the Fairview Community Center. The meetings provide an opportunity to share insight regarding resources and techniques related to working with and parenting young children with ASD. Contact Joyce Santo at 651-604-3590 for more information. Childcare is provided.*

### Special Olympics Minnesota

400 South 4th Street, Suite 915

Minneapolis, MN 55415-1423

Phone: 612-333-0999

Web: <http://www.somn.org/>

*Special Olympics' goal is to provide a year-round program of sports training and competition for people with mental disabilities that contribute to lifelong physical fitness, personal growth and achievement.*

## Acronyms

**ASD** Autism Spectrum Disorder

**ASR** Assessment Summary Report

**AT** Assistive Technology

**BIP** Behavior Intervention Plan

**BST** Basic Skills Tests

**CFL** Children, Family and Learning (also known as the Department of Education)

**CST** Child Study Team

**D/HH** Deaf and Hard of Hearing

**DAPE** Developmental Adaptive Physical Education

**DCD** Developmental Cognitive Disability

**DD** Developmental Delay

**EBD** Emotional or Behavioral Disorders

**ECFE** Early Childhood Family Education

**ECSE** Early Childhood Special Education

**ESY** Extended School Year

**FAPE** Free Appropriate Public Education

**FBA** Functional Behavior Assessment

**IDEA** Individuals with Disabilities Education Act

**IEE** Independent Education Evaluation

**IEP** Individualized Education Program

**IFSP** Individual Family Service Plan

**IIIP** Individual Interagency Intervention Plan

**LRE** Least Restrictive Environment

**MCA** Minnesota Comprehensive Assessments

**OHD** Other Health Disabilities

**PCA** Personal Care Attendant

**PI** Physically Impaired

**PLEP** Present Level of Educational Performance

**RRT** Referral Review Team

**S/L** Speech or Language Impairment

**SEAC** Special Education Advisory Council

**SLD** Specific Learning Disability

**SMI** Severely Multiply Impaired

**TBI** Traumatic Brain Injury

**VI** Visually Impaired

## Frequently Used Terms

**Accommodation** – allows the student to do the same work as the regular education students with a change (i.e. taking tests in a quiet room) that helps them be more successful. This change does not change the rigor of the material being taught.

**Adaptations** – word used interchangeable with accommodation.

**Assistive Technology Device** – any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

**Assistive Technology Service** – any service that directly assists a student in the selection, acquisition or use of an assistive technology device.

**Case Manager/IEP Manager** – the person who coordinates a student’s IEP and sees that it is carried out. This person is the first point of contact for any issues or concerns that you may have.

**Child Study Team** – team that determines if an evaluation is warranted.

**Consent** – means that you say “yes.” Consent means that you understand and agree in writing to the activity that is being requested, such as an evaluation or an IEP.

**Curriculum** – the coursework being taught.

**Direct service** – service provided directly to the student from the professional.

**Evaluation** – testing and observations used to determine the eligibility of the student for special education services.

**FAPE** – Free, appropriate public education.

**IDEA-2004** – the Individuals with Disabilities Act is the federal special education law that defines the rights of the student.

**Inclusion-Full** – student that qualifies for special education that spends the entire school day in the regular education classroom.

**Inclusion-Partial** - student that qualifies for special education and spends part of the school day in the regular education classroom.

**IEE (Independent Educational Evaluation)** - This is an evaluation provided by a mutually agreed upon independent professional who is not employed by the school system, at no cost to you. The school district is required to give you several choices of qualified professionals to perform the IEE. You can then choose which professional conducts the IEE. To request an IEE, you need to notify, in **writing**, the Director of Student Support Services that you disagree with the district’s evaluation and are requesting an IEE. Keep a copy for yourself as well. You also have the right to a second opinion at any time at your own expense. The school district must consider this information.

**IEP** – An Individualized Education Program is a specially designed program of services, instruction, and support designed to meet the individual needs of students who require special education and related services.

**IEP TEAM** – the group of people responsible for defining a student’s educational plan. The Team must include:

- A parent.
- A representative of the district who is authorized to assign resources.
- At least one of the student’s special education teachers.
- At least one of the student’s regular education teachers.
- There may be more team members as appropriate.

**IFSP** – An Individual Family Service Plan is a specially designed program of services or supports to meet the needs of children, birth through age two, who need special education.

**IIP** – Individual Interagency Intervention Plan (IIP) form is for students from age 3 to 21. The development of the IIP should be completed within 30 school days from completion of the assessment.

**Indirect service** – consists of work on the student’s behalf that ensures access, accommodations, and service coordination. It is not direct service, as it does not occur face-to-face with the student on a regularly scheduled basis.

**LRE (Least Restrictive Environment)** – the educational setting that provides an appropriate program, including special supports needed for the student, in as typical a school environment as possible.

**Modification** – a change that lowers the rigor of the material and changes what a test or assignment measures.

**PCA** (Personal Care Attendant) – a staff person hired to help a child learn skills so he or she can be more independent at home and in the community.

**Positive behavior intervention** – a plan to address problem behaviors; it addresses both the source of the behavior and ways to deal with the behavior so the student can behave more appropriately.

**Pre-referral interventions** - before referring a child for an evaluation the classroom teacher may plan strategies to see if your child’s performance improves with simple changes in curriculum or environment. These are called “pre-referral interventions”. At least two pre-referral interventions must be tried and documented. If the child’s performance improves, an evaluation may not be needed. If problems continue, an evaluation will help identify more specific ways to help the child learn.

**Referral** - anyone can make a referral for a special education evaluation. Often, when classroom interventions are not successful the classroom teacher may make a referral to the Referral Review Team who will consider whether the child should receive further evaluation. This team, including the parent, decides the areas to be evaluated and the types of evaluation to be completed.

**Related Services** – services required to allow a child to benefit from special education. An example may be transportation or occupational therapy.

**Respite Care** – care provided for the child so parents can have a break.

**Resource room** – a student may receive his or her special education and related services in the resource room, rather than a regular education classroom.

**Special Education** – instruction specially designed to meet the unique needs of a student with disabilities, at no cost to parent(s).

# Appendix A

Options	Description of Option, and How to Access the Appropriate Option
Facilitated IEP Team Meeting	<ul style="list-style-type: none"> <li>• A facilitated IEP team meeting is similar to a regular IEP team meeting. The difference is the presence of a state provided neutral facilitator who promotes effective communication and assists in developing an Individual Education Program.</li> <li>• The use of a state provided facilitator must be agreed to by both parties.</li> <li>• The facilitator is provided at no cost to either party.</li> <li>• The facilitator cannot be called to testify and the facilitator’s records cannot be used in a due process hearing.</li> <li>• To have a facilitator assigned, parties may contact the Minnesota Special Education Mediation Service toll free at 1-866-466-7367.</li> </ul>
Mediation	<ul style="list-style-type: none"> <li>• Mediation is a process for resolving disagreements between parents and school staff over eligibility for special education, evaluation, manifestation determination, a program that meets the child’s needs, or the provision of a free appropriate public education to a child with a disability.</li> <li>• A neutral mediator helps the parties clearly communicate their concerns, find common ground, identify possible solutions, and reach a mutually agreeable resolution. The mediator does not make a decision resolving the disagreement.</li> <li>• Mediation is voluntary for both parties and must be held in a timely manner and in a convenient location for both the family and the school. If the student is younger than three years of age, the mediation process must be completed within 30 calendar days after the written request is received by the Minnesota Special Education Mediation Service.</li> <li>• A district cannot require a parent to participate in mediation by proceeding with a complaint or hearing.</li> <li>• The fact that mediation was attempted can be disclosed at a due process hearing.</li> <li>• Mediation may result in an agreement which cannot be shared at a hearing unless the parties agree to share it or one of the parties believes the agreement is not being followed.</li> <li>• All discussions occurring during the mediation are confidential and cannot be shared in a due process hearing unless the parties agree, in writing, to share them, or a party to a hearing believes the other misrepresented information.</li> <li>• If there is a dispute over implementing a mediated agreement the parties may go back to mediation.</li> <li>• If a hearing has been requested and the parties want to mediate, MDE will provide a mediator within three business days following a request for a mediator.</li> <li>• To arrange a mediation, parties must contact the Minnesota Special Education Mediation Service toll free at 1-866-466-7367.</li> </ul>
Conciliation Conference	<ul style="list-style-type: none"> <li>• A conciliation conference is a discussion between the parents and school staff, often following an IEP team meeting that did not result in an agreed upon IEP.</li> <li>• Parents always have a right to try to conciliate a disagreement with the school district. Parents cannot be required to conciliate.</li> <li>• The fact that conciliation was attempted can be disclosed at a due process hearing, although discussions occurring in conference cannot.</li> <li>• If parents want to conciliate they must ask the district for a conciliation conference and it must be held within 10 calendar days.</li> <li>• Following a conciliation, the district must prepare a memorandum, within five business days, that discusses their final proposed offer of services. That memorandum can be used in any subsequent proceeding.</li> </ul>

Complaint	<ul style="list-style-type: none"> <li>• Anyone can file a signed written complaint with MDE alleging a school district is violating, or has violated, special education law. The complaint must include a description of what the district is doing wrong or failing to do and the facts upon which the allegation is based.</li> <li>• A complaint may be filed regarding an issue that arose within the past year. A longer period may be reasonable, as determined by MDE on a case by case basis, if the complaint is seeking compensatory education for an alleged violation occurring within the past three years, or if an alleged violation is continuing.</li> <li>• An attorney is not required to file a complaint and attorney fees are not recoverable for the work done in a complaint.</li> <li>• The complaint will be resolved by MDE within 60 days of its filing in most cases.</li> <li>• A complaint decision may be used in a due process hearing.</li> <li>• If a hearing officer has already decided issues raised in a complaint, the hearing decision is binding.</li> <li>• A complaint investigation will not proceed on any issues that are also pending before a hearing officer.</li> <li>• When MDE resolves a complaint and finds a violation, MDE may require the district to do any number of things including, but not limited to: awarding compensatory education or other corrective action appropriate to the needs of the child and providing for the appropriate future provision of services for all children with disabilities.</li> <li>• If a complainant or district is not satisfied with a complaint decision by MDE, they may appeal that decision to the Minnesota Court of Appeals within 60 days.</li> <li>• For more information on filing a complaint with MDE, contact 651-582-8689.</li> </ul>
Due Process Hearing	<ul style="list-style-type: none"> <li>• Parents and districts have the right to a due process hearing before a hearing officer appointed by MDE when there is a disagreement over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of free appropriate public education (FAPE) to a child with a disability.</li> <li>• The parties may be prohibited from a hearing on claims which are determined to be too old by the hearing officer.</li> <li>• The hearing will be conducted by an impartial hearing officer in the district responsible for ensuring a free appropriate public education for the child.</li> <li>• Parties have the right to be accompanied by a lawyer and individuals with special knowledge or training with respect to the problems of children with disabilities.</li> <li>• Parties may present evidence and confront, cross-examine, and compel the attendance of witnesses. The hearing officer will manage the introduction of evidence and may prohibit certain kinds of evidence including that which is irrelevant, immaterial, or unnecessarily repetitious.</li> <li>• Parties may prohibit the introduction of any evidence not disclosed at least five business days before the evidentiary portion of the hearing.</li> <li>• A decision must be issued by the hearing officer, and mailed to the parties, within 45 days of the request for hearing. This timeline may be extended by the hearing officer for up to 30 days if requested by a party for good cause. A longer extension may be obtained if both parties and the hearing officer agree or if an independent educational evaluation is to occur.</li> <li>• Complaints about the implementation of a hearing officer's decision can be made to MDE.</li> <li>• A final decision may be appealed to Federal District Court or to the Minnesota Court of Appeals. An appeal to the Minnesota Court of Appeals must be filed within 60 days of a party's receipt of the decision.</li> <li>• If a hearing officer finds that a student has been denied a FAPE, the hearing officer</li> </ul>

	<p>may require the district to do any number of things designed to put the student in the place the student would have been if the denial of FAPE had not occurred. This includes, but is not limited to: changes in the IEP, compensatory education and services, and reimbursement or future payment for services not provided by the school district.</p> <ul style="list-style-type: none"> <li>• A parent may seek to have the cost of their lawyer reimbursed by the district by filing a claim in federal district court. The court may award attorneys' fees if the court determines the parents prevailed at the due process hearing.</li> <li>• For more information about hearings, including what to include in a hearing request, contact MDE at 651-582-8604.</li> </ul>
	April 12, 2004

This table can be accessed from the MDE website at:

<http://education.state.mn.us/mdeprod/groups/Compliance/documents/FAQ/002143.pdf>

# Appendix B

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

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October 2006

### INTRODUCTION

This brochure provides an overview of parental special education rights, sometimes called procedural safeguards. These same procedural safeguards are also available for students with disabilities who have reached the age of 18. This **Notice of Procedural Safeguards** must be given to you at least one time per year, except it must also be given to you:

1. The first time your child is referred for a special education evaluation;
2. The first time you file a complaint with the Minnesota Department of Education;
3. If you or the district requests a due process hearing;
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, evaluation or education placement of your child. This written notice must include:

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

### FOR MORE INFORMATION

If you need help in understanding any of your procedural rights or anything about your child's education, please contact the principal, the 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 Debbie Gurak Phone 651-635-1608

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

ARC Minnesota (advocacy for persons with developmental disabilities):  
651-523-0823, 1-800-582-5256

Children Home Society (CHS) and Family Service Inc:  
651-255-2448, 1-800-982-2303

MN Association for Children's Mental Health:  
651-644-7333, 1-800-528-4511

MN Brain Injury Association:  
612-378-2742, 1-800-444-6443

MN Disability Law Center:  
612-332-1441, 1-800-292-4150, 612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights):  
952-838-9000, 1-800-53-PACER,  
952-838-0190 (TTY)

You may also contact the Minnesota Department of Education:  
651-582-8689, 651-582-8201 (TTY)

## PARENTAL CONSENT

1. Consent means that you have been fully informed of the information relevant to the activity for which your written permission is sought. Consent is voluntary and may be revoked at any time. However, revocation of consent does not negate an action that has occurred after the consent was given and before the consent was revoked. An exception to this is the revocation of consent for a behavior intervention plan which requires the district to immediately stop using the plan.
2. The district must obtain your consent before conducting its initial evaluation of your child and before the first time it provides special education and related services to your child. Consent for an initial evaluation is not consent for the initial provision of special education and related services.
3. Your consent is required before a district conducts a reevaluation of your child. The reevaluation may occur without your consent if the district has taken reasonable steps to get your consent and you have failed to respond.
4. Your consent is not required for the district to review existing data on your child or to administer a test or other evaluation that is given to all children, unless consent is required from parents of all children.
5. Your consent is required before the initial provision of special education and related services and placement. If you refuse consent to the initial provision of services to your child, the district may not override your refusal. In that case, the district will not be considered in violation for a failure to provide your child with special education and related services for which the district requested consent.
6. You have a right to object in writing to any action the district proposes. Upon receipt of your written objection, the district will ask you to attend a conciliation conference. You and the district may also agree to use mediation, or a facilitated IEP team meeting to resolve your disagreement. If you object to a proposed service or evaluation, the district may not deny your child any other service or activity. The district must continue to provide an appropriate education to your child.
7. Your consent is required before a district may disclose personally identifiable information about you or share

such data 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. Please refer to 34 C.F.R. Part 99 for additional information on consent requirements concerning data privacy under federal law.

8. Your consent is required before the district may access your private insurance to pay for services to ensure FAPE. Your refusal to provide this consent does not release the district from ensuring all required services are provided at no cost to you.

### WRITTEN ANNUAL NOTICE RELATING TO IEP HEALTH RELATED SERVICES REIMBURSEMENT

The district must inform you with annual written notice of:

1. Its intent to seek reimbursement from medical assistance or Minnesota Care for IEP health-related services provided by the district;
2. Your right to request a copy of all records concerning IEP health-related services disclosed by the district to any third party; and
3. Your right to withdraw consent for disclosure of a child's records at any time without consequence.

### 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 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/IIMP/IFSP team and may be presented as evidence at a due process hearing regarding your child.

### EDUCATION RECORDS

#### **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 within 10 business days.

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

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

#### **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**

Parent 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/IHP/IFSP, including diagnosis and treatment information, to a health plan company without your signed 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, it 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, incomplete or 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.

#### **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.

The district must not destroy any education records if there is an outstanding request to review those records.

## **MEDIATION**

Mediation is a voluntary process to help resolve disputes. You or your district may request mediation from the Minnesota Special Education Mediation Service (MNSEMS) at 651-582-8222 or 1-866-466-7367. Mediation uses a neutral third party trained in facilitative 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.

## WRITTEN COMPLAINTS

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 which have occurred within the last year;
3. State the facts upon which the allegation is based and include a proposed resolution to the alleged violation;
4. Include the name, address and telephone number of the person or organization registering the complaint as well as the name and address of the school attended by the child; and
5. Be forwarded to the public agency servicing 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

MDE will issue a written decision within 60 days. Final complaint decisions may be appealed to the Minnesota Court of Appeals within 60 days of receipt of the decision.

## IMPARTIAL DUE PROCESS HEARING

Both you and the district have a right to request **in writing** an impartial due process hearing. A request for a hearing must be sent to MDE and to the other party. A due process hearing may address any matter related to the identification, evaluation, educational placement, manifestation determination or provision of a free appropriate public education of your child. Before you can have a hearing, the district must arrange for a resolution meeting to occur within 15 days of the hearing request. If the matter is not resolved within 30 days of the request, the hearing timelines begin. If you do not attend a resolution meeting or a mediation, and the district does not agree to waive the meeting in writing, you are not entitled to a hearing.

### **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 the hearing. All **written request** 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 to you at the time.

MDE will appoint an impartial hearing officer to conduct the hearing. Below are a few of your rights at the 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. Block 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 recording and the 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; and
2. Open the hearing to the public.

A hearing decision must be issued within 45 days of the expiration of the 30-day resolution period. Extension may be available under some circumstances. The hearing decision is final unless you or the district file a civil action.

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

At least five (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. All evidence must be limited to the specific issues described to the hearing officer.

### **CIVIL ACTION**

When you or the district disagree 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 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 education placement where he/she is currently placed. 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 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 the parents that a change in placement is appropriate is the "stay-put" placement during subsequent appeals.

## EXPEDITED HEARINGS

Expedited hearings may occur in the following situations:

1. Whenever you request a hearing to dispute the district's determination that your child's behavior was not a result of his/her disability;
2. Whenever you request a hearing to dispute a 45-day interim alternative education placement order by school personnel; or
3. When a district requests an expedited hearing to establish that it is dangerous for your child to remain in the current placement.

Expedited hearings must be held and a decision issued within 10 days of the expiration of a 15- day resolution period. The district must arrange for a resolution meeting to occur within seven days of a request for an expedited hearing. If you do not attend the resolution meeting or mediation, and the district does not agree to waive the meeting in writing, you are not entitled to a hearing.

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

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

## INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT

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

1. Possesses a weapon at school or at a school function;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or at a school function; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

The IEP/IHP/IFSP team determines the interim alternative educational setting. Even though this is a temporary change, it must allow your child:

1. To continue to progress in the general curriculum, although in a different setting;
2. To continue to receive those services and modifications, including those described in your child's IEP/IHP/IFSP, that will help your child meet his/her IEP/IHP/IFSP goals; and
3. Include services and modifications designed to prevent the behavior from recurring.

If your child is placed in an interim alternative educational setting, an IEP/IHP/IFSP meeting must be convened within ten (10) school days of the decision. At this meeting, the team must discuss the behavior and its relationship to your child's disability, review evaluation information regarding the behavior, and determine the appropriateness of your child's IEP/IHP/IFSP and behavior plan.

## ATTORNEY'S FEES FOR HEARINGS

You may be able to recover attorney fees if you prevail in a due process hearing. A petition for fees must be filed in a court of competent jurisdiction. 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.

## PRIVATE SCHOOL PLACEMENT

You may be able to recover tuition expenses for a private school placement if you inform the district of your intent to enroll your child in private school at public expense. This must be done at the most recent IEP/IIIP/IFSP 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/IFSP 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, or other unreasonable delay on your part could result in a reduction or denial of reimbursement for the private school placement. If the district prevented you from providing this notice or you cannot write in English, the hearing officer may not reduce the reimbursement.