



# “DL Way”

## Special Education Manual

2023-2024

Produced by Designs for Learning

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## Mission:

*Designs for Learning supports schools and other organizations through:*

- *Business office, human resource, technology, leadership support, program evaluation and individualized education systems*
- *Supporting innovative learning initiatives*

## Values:

*Designs for Learning values are:*

- ***Passion for Client Success***
  - *Quality Work - To ensure quality, we engage in ongoing efforts to document and then improve both processes and outcomes*
  - *Invested Partner - We work closely with each client to understand their needs from their perspective, in order that we may support their positive growth and development*
  - *Flexible and Adaptable – We are committed to being flexible and adaptive in finding the best solutions to meet our clients’ needs*
- ***Ethical Practices***
  - *Transparent – We ensure transparency and cultivate trust by appropriately sharing knowledge with clients to keep them informed and by being open about the way our organization functions*
  - *Genuine – We engage in direct, open and sincere conversations, with clients and internally within DL*
  - *Accountable – We embrace accountability for our work by ensuring we use professional practices and by striving for continuous improvement*
- ***Creating Supportive Relationships***
  - *Respectful and considerate interactions – We understand the value of workflow and the need for respectfully considering individual priorities, both at DL and with clients*
  - *Healthy staff environment – We recognize the importance of having holistically healthy staff, both at DL and at our client schools, so we support a healthy workplace culture which includes trust, compassion, stability and hope*
  - *Strong rapport with clients – We build rapport with client organizations by getting to know their staff, and showing we care about them as individuals*
- ***Empowerment through Learning***
  - *Open communication – We are transparent in our communication and guide our clients and staff to resources when they need information*
  - *Synergy through diverse service offerings – Offering an array of services, we harness the energy and expertise and ensure effective communication among our staff to serve our clients*
  - *Building capacity – We promote the growth and development of DL staff and our client organizations by working to increase their competency, knowledge and skills*

## Acknowledgments:

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We have tried to encompass a combination of the best practice along with high ethical standards in the development of these practices. When in doubt, we went back to the sources of due process for Minnesota school districts: MN Rule 3525, CFR 34, Minnesota Statutes §120-126, guidance from the Minnesota Department of Education Monitoring and Compliance team, and Dear Colleague letters from OSEP.

***\*\*A note regarding the 2023-2024 DL Way Manual: The 2020-2021 DL Way Manual contained an Appendix providing guidance for Covid Related issues. That Appendix has been retained for historical purposes and is at the end of the Appendices.***

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# Child Find Process

## What is Child Find?

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*“All children with disabilities residing in the State and who are in need of special education and related services, are identified, located, and evaluated.”*  
*Minnesota Department of Education (statute C.F.R § 300.111)*

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All school districts **must** have a Child Find process. Child Find is the process of identifying students who are at-risk and providing them with preventative supports **prior** to considering special education services. At-risk concerns could be academic, behavioral, social, and/or medical. Some Districts name the team fulfilling the Child Find obligation as the “SST; Student Support Team”, or “SAT: Student Assistance Team”, or “Child Find”. The name the District designates for the team is irrelevant as long as the process is followed.

## Best Practices for Child Find

- Child Find begins in the General Education setting:
  - Some students need time to adjust to new settings. Differentiation of instruction is needed to meet the varying learning styles of the students in the room. Classroom management and explicit explanation of classroom routines and expectations is critical. Seek additional suggestions from parents and colleagues.
- The Child Find process should be continuous and systematic throughout the school year.
- Every school should have a Child Find team. An ideal Child Find team should be multidisciplinary, led by General Education, and may include (but not limited to) the following members:
  - School Administrator
  - Special Education Director/Coordinator
  - Special Education teacher
  - General Education teacher
  - School Psychologist
  - Social worker
  - Speech Pathologist
  - Occupational Therapist
  - English Language teacher
- The Child Find process should include referral and intervention/data collection forms.
- The Child Find process should be documented in the student’s referral record.
- Each step of the Child Find process will be communicated to parents.

## Child Find Process

1. Identification of Concern
  - a. *School-Wide Screening*: School-wide assessments are given to students to identify possible needs in the areas of academic, health/physical, social-emotional, and/or behavioral.
  - b. *Student by Referral*: Parent or teacher identifies student(s) as achieving poorly in one or more of the areas mentioned above and needing intervention.
2. Referral Data: Teacher collects valuable student information regarding the area of concern(s). Data should be **observable** and **measurable**. Examples of data may be attendance record, MCA/MAP scores, academic work samples, and PBIS or behavioral incident reports.
3. Referral Forms: Forms are completed for the initial referral, intervention planning, and effectiveness of the intervention on the learning target. The referral form should include information about the student's developmental and educational history.
4. Child Find Meeting: The referring teacher meets with the Child Find team to discuss their concerns and any interventions they have implemented prior to referral. The Child Find team will suggest additional research-based interventions. Interventions shall be implemented for a minimum of 4-6 weeks with at least four probes on the progress of the interventions. The referring teacher will know what, when, where, and for how long to do the intervention. A date for a review of the data will be established. Delineation of responsibilities will be established.
5. Implementing Interventions: The referring general education teacher will implement/supervise the research-based intervention with fidelity.
6. Review of Intervention Results: Intervention data will be reviewed to determine if the student has made progress. The Child Find team discusses next steps, including possible additional interventions, continuation of current intervention or referral to a special education evaluation.
7. Kindergarten Students: The Child Find process should have a way of identifying if the incoming student has had preschool or not. If a student attended preschool, determine if the student received any special education services. Typically, this would be completed by the Special Education Coordinator (if there is one) or by the Special Education Director or someone designated by the school to follow-up on student records.
8. Parent Request: If a parent requests their child be evaluated, the team (including the Director of Special Education) has 10 school days to consider and respond to the request. The team has an obligation to review whatever data/information the parent provides. The team considers the information and informs the parent of the decision to move forward with a) an evaluation, b) to place the child into the prereferral process or c) to decline moving forward with an evaluation. If the team decides to move forward, the typical process is followed. If the team declines moving forward, a PWN is generated explaining why the school is not evaluating.

## Prereferral Interventions for Child Find

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*“Before a pupil is referred for a special education evaluation, the district must conduct and document at least two instructional strategies, alternatives or interventions using a system of scientific, research-based instruction and intervention in academics or behavior, based on the pupil’s needs, while the pupil is in the regular education classroom. The pupil’s teacher must document the results.” Minnesota Department of Education (Statue 125A.56)*

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There should be a minimum of two research-based interventions completed in the child find process. Interventions should not be confused with accommodations.

What is an intervention? A way to measure growth either academically, behaviorally, or social-emotionally.

- Interventions teach a specific skill that is **measurable** and implemented at school by a general education team member
- It has a beginning point or baseline (separate from the first intervention probe)
- It has a goal that is **measurable, realistic, and attainable**
- It can be monitored (weekly), and progress must be documented to provide the data needed to determine the effectiveness of the intervention and possible further action
- It is implemented with fidelity and maintained for 4 to 6 weeks

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*“A special education evaluation team may waive this requirement when it determines the pupil’s need for the evaluation is urgent. This section may not be used to deny a pupil’s right to a special education evaluation.” Minnesota Department of Education (Status 125A.56)*

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Under urgent circumstances, the Child Find team can decide to forgo or expedite interventions. Urgent circumstances are:

- Safety concerns for the student or for others
- There is documentation of interventions completed in previous schools
- The student has had an evaluation completed by an out-of-school agency and the team decided that the evaluation results warrant a special education evaluation.

## Special Considerations

### *Child Find in Early Childhood/Preschool*

If your school district has a preschool program the school **must** have a Child Find process: Two interventions are NOT needed in order to refer a pre-k student for a special education evaluation.

The process requires: a) an observation is conducted by an ECSE Teacher or person knowledgeable about early childhood development and b) an informal discussion is held with the parents, preschool teachers, and/or the person making the referral.

### *Child Find and English Language Learners*

School districts **must** have an English Learner (EL) program and an EL screening process. Student's native home language(s) should be identified during enrollment.

- If parents report that the student's home language is any language other than English, the school must screen for eligibility for EL services. If a student is determined to have EL needs and programming is offered, the parents can decline services.
  - Once a student has been screened for EL services the school must send home a letter detailing that the student was assessed and if they were determined to be eligible for services. A template of this letter (which meets Special Education and Title III legislative requirements) can be found at [www.transact.com](http://www.transact.com)
- Best practice: If the student is receiving EL services, the student's English language proficiency should be considered in the Child Find process.
- Best practice: EL teacher and parents should be included in the Child Find process to determine if, in addition to EL needs, there are special education needs. NOTE: a lack of English proficiency is not necessarily a special education need. If the student requires more intensive EL support, that should be provided, and special education could be considered following the intensive support (one to two semesters).

### *Child Find and Transferred Students*

- Technically, most students enrolling in a Charter School are Transfer Students. At the time of enrollment, inquiries are made regarding the student's educational background and history. These records are reviewed as part of the Child Find process. See additional information on Transfer students in the "Transfer Students" section of the IEP Process.
- If the student does not have educational records from any previous school, it is essential to the process to contact the student's previous school and request records prior to a referral. Schools are legally obligated to forward records within ten business days. The following people can help request information: Administrator, special education director or teacher, social worker, school psychologist, and parents. Keep a copy of the record request form, and note the attempts made i.e.: "Request 1 made on 1/1/2020, Request 2 made on 1/2/2020 etc."



# Special Education Evaluation Process

There are two types of evaluation: Initial Evaluations and Reevaluations. An Initial Evaluation is the first evaluation completed for a student; a reevaluation is any subsequent evaluation.

Reevaluations must be completed at least once every three years or as student needs dictate.

Examples of “student needs dictate” may include:

- \*significant change in behavior
- \*significant change in academic performance
- \*additional concerns/needs in related services (e.g. Speech, OT, PT, D/APE)
- \*out-of-state transfer
- \*new information provided by the parent as a result of an outside evaluation
- \*when a student is aging out of Developmental Disability (DD) due to turning 7 years old. Best practice is when considering DD as part of an initial evaluation for 5 and/or 6-year-olds, the team should consider Part B Disability criteria.*
- \*consideration of Transition needs by grade 9 (needs to be completed by the end of 9<sup>th</sup> grade)

The purpose of an evaluation is to determine why a student’s behavior/academic needs/social interactions are different than expected for their grade or that of their peers. The Evaluation planning team meeting is a critical discussion among all members and should be asking itself what information is needed to assist in making that determination. Some of the information is readily available in the student’s current school-work or anecdotal observations but additional information may need to be gathered through assessment and observation. The Evaluation planning team consists of a general education teacher, a special education teacher, parent, specialist (as needed), and student, by grade 9 or earlier if appropriate.

For Reevaluations, the team also has the option to determine an evaluation is not needed because it is evident the student has an educational disability that requires specialized instruction (i.e. a DCD S/P student who has already been evaluated multiple times). The determination of “no evaluation needed” may also be used with students scheduled to graduate during the reevaluation year. See “Point of Clarification” at end of this section for greater detail.

## PROCESS:

1. Evaluation Planning Meeting
  - a. Review any pre-referral information and complete Evaluation/Reevaluation Plan Prior Written Notice (“Eval PWN”).
  - b. The Eval PWN is unique to each student’s needs. There are required areas to be assessed, given the concerns cited by the Evaluation planning team, but each plan should be written with that student’s needs in mind.
  - c. If the student had received related services within the last three years and was exited due to meeting goals, the Evaluation PWN should include a review of records.

- d. Best practice is for all members of the Evaluation Planning team, including parents, to be present; however, the parent may be excused if they agree. In that instance, the other members of the evaluation planning team will complete their portions of the Evaluation PWN for parent review and consent (written if initial and implied after 14 days for reevaluation).
  - e. In the absence of all team members being present, the case manager shall take notes of the specific concerns for the student to share with the absent team member(s). The absent member(s) will identify the needed assessments for the Eval PWN. The case manager and the absent team member(s) will delineate who is responsible for getting the information into the PWN. Meeting notes will be documented in the SpEd Forms “Record of Team Meeting”.
  - f. The case manager will review the final Eval PWN prior to being sent home.
  - g. For Initial Evaluations, parental signature must be obtained prior to beginning any assessments. Once signature is obtained, the team has 30 school days to complete the evaluation and to present a written report to the parent. Best practice is to have a meeting with parent prior to the end of the 30 school days to review the report and answer any questions or concerns.
  - h. For Initial Evaluations **written parental consent is required** before an evaluation can begin.
    - i. If parental signature is not obtained within two weeks, the special ed teacher will contact the Special Education Director for further guidance.
    - ii. If the parent does sign but then declines the evaluation, contact the Special Education Director who will collaborate with School leadership to determine next steps. The Evaluation Process is placed on hold during this period.
  - i. For Reevaluations, parental signature is desired but is not necessary. If the parent does not respond within 14 calendar days of the PWN being presented, the team begins the evaluation (**Note:** the 14-calendar day count begins the day after the PWN is presented or mailed to the parent). The team has 30 school days to complete the assessments and to present a written report to the parent (**Note:** the 30 school day count begins the day after receiving permission or the expiration of the 14 calendar day wait, whichever comes first). Best practice is to meet with the parent prior to the end of the 30-school day timeline to present the report and review continued need for special education services. However, a meeting is not necessary. The statutory requirement is for the parent to have a written report prior to the end of the 30-school day period.
2. Completing the Evaluation/Reevaluation Plan Prior Written Notice (five questions are answered):
- a. Question 1: What is the District proposing: For an Initial Evaluation: The District is proposing to conduct an evaluation to determine if the student qualifies for an educational disability and, if so, if the student requires specialized instruction. For a Reevaluation, the District is proposing to determine if the student has a continuing need for special education.
  - b. Question 2: Why is the evaluation being proposed: the reason(s) for proposing to conduct an evaluation (Initial or Reevaluation). For an Initial, the reasons may

include references to concerns with behavior, academics, social interactions, distractibility, or any other concerns the team has that prompted the evaluation. For a Reevaluation, the reasons are typically related to the need to conduct an evaluation every three years, due to the changes in student behavior prompting a need to reevaluate, the parent has brought forth new information, transition, the student has transferred and there are concerns with the incoming evaluation (e.g. SNAP) or the student has transferred from out-of-state.

- c. Question 3: Sources of Information: List the sources of information the team used to determine the evaluation plan.
- d. Question 4: Other options the team may have considered and why they were refused. For example, if the team considered standardized versus non-standardized instruments.
- e. Question 5: Additional factors relevant to the District's proposed or refused action: These may include adaptations needed to conduct the evaluation based on the individual needs of the student as determined by the Evaluation Planning Team. Adaptations may include chunking formal assessments into student manageable time frames, use of an interpreter, and /or use of incentives to gain compliance. Any adaptation used must be listed in the final report.
- f. Actual Evaluation Plan ("Materials and Procedures Chart"):
  - i. Column 1: Assessment categories should flow in the same order as report. Assessments should only be conducted in the areas of concern. For example, if there are no concerns with a student's motor abilities, that category would not appear on the evaluation plan:
    1. Intellectual
    2. Academic
    3. Communication
    4. Motor Ability
    5. Health/Physical Status
    6. Sensory Status
    7. Social/Emotional/Behavioral
    8. Functional/Adaptive Skills
    9. Transition\* (by grade 9)
  - ii. Column 2:  
Put all tests and checklists in the same box. Names of tests need to be written in full and then the abbreviation may be stated in parentheses. For example: "*Wechsler Intelligence Scale for Children – Fifth Edition (WISC-V).*"
  - iii. Column 3:  
List the title of person(s) completing the assessment, conducting the observation, or completing the record review. This could be more than one professional.
  - iv. Column 4:  
Name of person completing it – **leave it blank**

\*Points of clarification:

Observations should be included in the areas of concern and based on disability category requirements. The term “Observation” is listed in the section of the plan the observation applies to. For example, under Specific Learning Disability, the team is to observe the student in the academic area of concern. The term “observation” should be listed in the “Academic” section of the PWN. Include the number of evaluations needed per the disability criteria checklist.

For an Initial Evaluation, in addition to new testing being listed on the PWN, some areas being assessed may include a record review of previous data such as outside evaluations, or other student data (e.g. Fast Bridge, NWEA, MCA’s).

For a Reevaluation, if there are no concerns or questions about past test scores and they are still a valid representation of current levels, additional testing is not needed and “record review” is listed. If conducting new assessments in an area and previous data exists, “record review” will be listed.

**The IEP Team has the option to determine “No Evaluation Needed”.** Guidance for such process is listed below:

The decision to not complete a reevaluation must occur before any review of existing data is done. The determination to not complete a reevaluation would be based on the current levels of performance and whether the student has a profound educational disability that is long-standing and pervasive or the student has been in special education for more than 10 years (including early childhood, and, based on current levels of performance clearly continues to demonstrate a need, or if the student is a senior and ready to graduate. **If there are questions, see your Special Education Director for clarity and guidance.**

Logistically, the educational members of the team do not review any previous evaluations or records. The evaluation plan team members meet and agree the current data will be used as the basis for determining no further information is needed in order to determine whether the student continues to be a child with a disability and to determine the student educational needs. As a practical matter, information collected as part of determining progress on an IEP goal is considered a “review of current data” as it can inform the team in the determination of educational needs.

NO EVALUATION PLAN IS DEVELOPED. The District informs the parent: “No additional data is needed”. This notice is provided in two ways: 1) via the form on SpEd Forms entitled, “Review of Existing Data” and by completing a PWN attesting to the same.

NO EVALUATION REPORT IS WRITTEN. Best practice, however, is to develop a new IEP.

The date for the next reevaluation is the date the “No Evaluation Needed PWN” is developed. Put this date into the “Date of Last Comprehensive Evaluation” box on the IEP student information page in SpEd Forms.

MDE does not provide guidance on documentation other than it is to be documented. Because a parent can request an evaluation even though the school-based members of the team may

recommend no data is needed, Designs for Learning Schools will complete a Prior Written Notice, thereby allowing the parent the opportunity to request an evaluation.

Sample responses for a “No Evaluation Needed” PWN:

Q1: The District is proposing to use existing data and will not complete a reevaluation for your child.

Q2: The District has determined existing data affirms your child continues to have an educational disability in the area of XXXX and has education needs in XXXXXX

Q3: This decision is based on the student’s current levels of performance

Q4: The District could complete a reevaluation reviewing previous evaluations and records, but feels the existing data supports the need for continued support.

Q5: The parent has the right to request an evaluation or that new data be gathered. If the parent does request an evaluation or that new data be gathered, the District will develop an Evaluation Plan and present it to the Parent.

As of August 1, 2020, the Minnesota Department of Education has issued an update on completing a Functional Behavioral Assessment’s (FBA) as a stand-alone report. It **is now permissible** to do an FBA as a stand-alone document and adding it to the current evaluation. Completing the FBA does not change the due date for the next evaluation. SpEd Forms has a template for the stand-alone FBA. If there is an existing FBA that no longer addresses the behaviors of concern or the disruptive behaviors the student is exhibiting, a new FBA must be completed. See Appendix 9 for a sample Evaluation/Reevaluation Prior Written Notice for a stand-alone FBA.

### 3. Next Steps

- a. Send the PWN to the parents. Initial Evaluations **must be signed and returned before any assessments can be completed**. Once the PWN has been returned and parents have given consent, determine the due date (30 school days from the day after receiving the PWN). When the due date has been set, the case manager or special ed coordinator will inform the whole team and the parent(s) via email or other agreed upon mode of communication. Record the due date on the PWN (both on the paper and electronic PWN). If possible, formally schedule the evaluation sharing meeting to go over the evaluation results.
- b. For a re-evaluation, if the parent doesn’t sign and return the PWN within 14 calendar days, the team starts the evaluation. Determine the due date (30 school days from the day after receiving the signed PWN or the day after the expiration of the 14-calendar day waiting period, whichever comes first). When the due date has been set, inform the whole team and the parent(s) via email or other agreed upon mode of communication. Record the due date on the PWN (both on the paper and electronic PWN). If possible, formally schedule the evaluation sharing meeting to go over the evaluation results.
- c. After the due date notification has been set and communicated, the team sends all forms necessary for the evaluation (checklists, interviews, etc.) to the parent and

other relevant team members. Arrange when and how forms will be returned (for example, in one week, with the student, mailed to the school, dropped off at the school, etc.)

- d. If parents are coming in for interviews, inform the whole team so that all parent interviews can be done in one visit.
- 4. Evaluation Sharing Meeting (if held, should be completed in the 30-day time frame).
  - a. Evaluation results are shared with the parents and evaluation team.
  - b. For initial evaluations, parents should be provided a copy of the evaluation report prior to the meeting in order to allow time to process the results.
    - i. It is recommended NOT to have an IEP meeting immediately after the initial evaluation sharing meeting.
    - ii. If the student qualifies for special education, the case manager has 30 calendar days to contact parents, to convene an IEP team meeting and write the IEP. (NOTE: If the team has completed an initial evaluation at the end of the school year [e.g. after May 20], the team must hold the IEP meeting prior to the last day of school or the meeting will be held during the summer).
  - c. For reevaluations, parents should be provided a copy of the evaluation report prior to the sharing meeting (to the extent possible).
    - i. Case manager may convene an IEP team meeting immediately after the evaluation sharing meeting on case-by-case basis.

### **\*Point of Clarification**

#### **Sped Evaluations at End of School Year:**

Sped evaluations **CAN** be completed in the spring/at the end of a school year (after April 1).

Decisions regarding when to evaluate occur on a case-by-case basis; there is a continuum of compliance, and teams need to consider what is reasonable.

Teams must follow **30 school days** timeline unless a decision is made to extend the evaluation into the summer (there aren't school days to count during the summer).

If there is a request to evaluate (regardless of the source of the request) and the team decision is to wait until the fall to start an evaluation, this should be documented in a Prior Written Notice.

If the team decision is to start an evaluation in spring and finish in fall the 30-school day count is stopped on last school day of the year and is re-started on first day of new school year in the fall. Teams may still acquire teacher input from the previous school year's teacher, if needed.

If the team decision is to start an evaluation in the spring and complete it ASAP (over the summer) because a student is in crisis, the team would work to complete the evaluation as

quickly as possible because summer does not contain “school days”. Schools may need to pay teachers/subs to come in over summer to complete the eval and hold an IEP meeting.

## Writing the Evaluation Report

### OVERVIEW

The purpose of the Evaluation Process is for the team to determine if a student is: 1) a student with an education disability, as defined by MN Statute and 2) in need of specialized instruction in order to make progress in the general curriculum.

It is possible for a student to have an educational disability but not need specialized instruction. In these instances, the team will want to look at the development of a 504 Plan. A 504 Plan is not a special education responsibility and is completed by general education. Consult with your Special Education Director for additional information and follow up.

The Evaluation Report (ER) is a summary of all the assessments, observations, checklists, and other data collected by the Evaluation Team. The purpose of the ER is to provide to parents and the educational professionals working with the student an analysis of the assessment results, of the checklists, of observations and of any record review completed. The ER is divided into sections based on the Evaluation Planning PWN. Each professional is responsible for completing their section of the report, but the report must be one concise and cohesive document. Typically, one team member (the Special Education Case Manager) is responsible for ensuring the ER is completed and that timelines are met.

### SECTIONS FORMAT

The ER report template has been designed to provide the parent and other team members with the summary of the results, determination of an educational disability and the determination of a need for specialized instruction immediately. The subsequent sections of the ER provide the rationale/data for the determination made. When completing a section of the ER, the following information is to be included:

1. Name of Assessor, title
2. Date of the assessment
3. Time and setting (for observations)
4. Title of the assessment. Use the full title and provide an abbreviation in parenthesis, as appropriate.
5. Description, including the purpose of the assessment used
6. Summarize assessments/information gathered in the section, including the student’s present levels of performance and how the results of the assessments are reflected in the student’s daily performance/functioning.



7. Please use a narrative with complete sentences that will be easily understood by parents and other team members. Avoid technical jargon.
8. Assessments with descriptive ranges, please use: “very low”, “low”, “low average”, “average”, “high average”, “superior”, “very superior”.

\*Points of clarification:

**Best Practice: Remember the report is being written for parents. Avoid educational jargon and extensive explanations on norming of testing.** Evaluation Reports should be completed 3 to 5 days prior to the due date to allow the school-based members of the team to review/revise to ensure clarity and consensus on eligibility and needs. Once the team agrees to the report, the report **MUST BE SENT** prior to the end of the 30-day timeline and prior to a meeting, if one is to be held (a meeting must be held for an Initial Evaluation but is optional for reevaluations).

**\*Recent guidance (August 2023) from Monitoring and Compliance is to minimize the number of meetings and supports the Evaluation Report completion and sent to parents as fulfilling the District’s obligation in meeting Reevaluation expectations.**

When reporting scores for a norm-referenced assessment (WJ, WISC, etc.), “Standard Scores (SS)” are to be reported. Do not use age or grade equivalents as this can be confusing to parents.

The Case Manager may want to consider developing a power point or other means of summarizing/highlighting salient points of the report to share with parent when the team meets to share results.

Since the final report must be comprehensive, all sections of an Evaluation Report need to have a statement indicating the area was considered. For example, in the area of “Motor” no assessments or observations were completed because there were no concerns, the section would have this statement, “There are no concerns in this area.” (Note: These sections would not appear on Evaluation PWN; the exception to this point is the area of Transition, which can be deleted from the report if not applicable).

If the student was exited from a related service during the three-year time frame, then a statement of past performance and reason for exiting needs to be made in that section of the evaluation report.

Teams have three options for providing a summary of the assessment results: 1) teams could follow item #6 listed above; 2) teams could do an overall summary of the results including Educational Needs for the students based on the assessment results or 3) teams could do both a summary at the end of each section and one comprehensive summary. If option #3 is used, the overall summary should not be a cut of paste of the previous sections but a comprehensive summary that would include subsequent recommendations for accommodations and specialized instruction.

Minnesota Department of Education (MDE) Monitoring and Compliance division’s best practices recommends the team to place the comprehensive Summary to begin the ER followed by the determination of eligibility with the remaining sections to follow.



NOTE: SpEd Forms automatically generates a signature page. This page is only to be used for any evaluation that considers Specific Learning Disability (SLD) as a possible qualifying category (whether or not the student qualifies). If the evaluation is not considering SLD, the signature page **should not** be included in the report.

## Determination of Eligibility and Needs

**From MDE:** The focus is to use problem solving and a comprehensive evaluation to provide high quality instruction matched to a student's needs. The evaluation is primarily for determining whether the student has an educational disability and a need for specialized instruction. If the student is eligible for services, the goals (including objectives) and accommodations of the IEP will be based on the *needs* as identified in the summary section.

### A Comprehensive Evaluation

- Must be comprehensive for team to identify most appropriate disability category.
- Determining eligibility must be a team decision with qualified professionals reviewing data and Minnesota state criteria. It is best practice to go through the checklist as a team at the evaluation share meeting. Team members may discuss criteria prior to the meeting and have an idea/notes about eligibility.
- There should be a statement about each disability category that was considered and why the student did or didn't qualify.

### Eligibility Determination

#### Initial Evaluation Report (ER)

- Student must meet ALL required eligibility components in disability category.
- Evaluation Report must state whether student meets or does not meet the criteria for all disability categories considered (Only include the criteria checklist for the special education category team decides on; Primary and Secondary).
- The Evaluation Report must address student's performance on each component of criteria based on information from report.
- The ER must include a statement of whether the student needs special education and related services. This statement will be in the summary section.
- A student may meet components of criteria, but there must also be documented needs for specialized instruction. *Example: a student has a diagnosis of ADHD and qualifies for "Other Health Disabilities" but is performing at grade level, is making progress and/or doesn't have any behavioral or focus issues; therefore, this student doesn't qualify for special education services.*
- If student qualifies SLD, obtain team signatures on the evaluation report signature page (do not have team members sign the signature page on Sped Forms for any other disability area).
- Criteria checklist for student's primary disability category (and secondary category if applicable) needs to be completed as part of the Initial evaluation report if the student meets criteria.

- If a student qualifies in several categories, it is up to the professionals to determine which category paints the best picture of the student's needs. Severely Multiply Impaired (SMI) must be considered if the student meets criteria for two or more of six categorical areas: deaf or hard of hearing, (D/HH); physically impaired (PI); developmental cognitive disability-severe/profound (DCD S/P); visually impaired (VI); emotional or behavioral disorders (EBD); and/or autism spectrum disorders (ASD).
- If an initial evaluation is completed and the student is determined eligible, but the parent does not consent to special education and related services, the ER still must indicate an eligibility determination.

### Re-evaluation Report (ER)

- Student does not need to meet initial eligibility criteria but does need to show they continue to require specialized instruction and must include a statement about how student shows continued need in the area of disability.
- The criteria checklist does not need to be completed on re-evaluations
- If student continues to qualify SLD, obtain team signatures on evaluation report signature page

### Overrides

- Overrides are rare and **must be discussed with the Special Education Director prior to the ER meeting.**
- ER must include statement of why standard procedures used for the majority of students resulted in invalid finding for this student.
- ER must include a statement of the objective data used to conclude the student has an educational disability and needs specialized instruction and related services. Data may include test scores, work products, self-reports, teacher reports, medical data, previous testing, observational data, and other developmental data
- ER must include a statement as to which data had the greatest relative importance for the eligibility decision
- Team members must sign they agree with override decision on signature page
- If a team member disagrees, they must provide a written statement of why they disagree. The statement is attached to the report. They must also sign the signature page, checking the "no" box.

### Other Considerations

- If the team determines a student is not eligible for special education, include a statement about areas considered and that the student does not meet criteria. If the team considered SLD, the signature page still needs to be signed.
- If the parent disagrees with the evaluation report or eligibility determination, contact your Special Education Director. An option for the team is to consider if the student still has a disability that would qualify the student under Section 504 (as an individual with a handicapping condition known to interfere with a major life function), the District will offer the parent the option of participating in the 504 Process. If the parent declines to participate, the District has fulfilled its child find obligation and the student shall be

considered a “general ed” student and not receive any accommodations or considerations beyond those afforded all students.

### Determining Needs

- Needs and services must be based on information from the evaluation and clearly stated in the comprehensive summary section.
- Must be comprehensive for the team to identify all needs and related services.
- Needs and services do not need to be directly linked to the disability category in which the student has been classified. *For example, a student identified as EBD may have a need in the area of reading and might have a goal to address that need.*
- If multiple needs are identified in the summary, the needs will be addressed through goals and/or the modifications and supports of the IEP. *For example, an organizational need might be addressed through a modification, such as (but not limited to) ‘check-in with teacher at the end of the day’.*

### Exit Procedures

- An evaluation is required when dismissing a student from ALL special education and related services, UNLESS the student is:
  - Graduating
  - Aging out
  - Parent is withdrawing consent
- Graduating: If a student has met the requirements for graduation (whether by credit or IEP goal attainment), a “Summary of Performance (SOP)” is completed, a Prior Written Notice is completed and both are provided to the student and/or parent at least 14 days prior to implementation (i.e. graduation day)
- Aging out: If a student is aging out (has reached the age of 21 by June 30), a “Summary of Performance (SOP)” is completed and provided to the student and/or parent along with a Prior Written Notice at least 14 days prior to implementation (i.e. the last day of school).
  - **Note on Summary of Performance (SOP):** A summary of the student’s current skills and performance in the areas of 1) Academic Achievement; 2) Functional Performance, and 3) Post-Secondary Recommendations. Post-Secondary recommendations are made in the areas of a) Post-Secondary Education and Training; b) Employment and c) (when appropriate) Independent Living in recreation and leisure, community participation, and home living. Best Practice, but not required, is to include a student’s “Self-Advocacy Statement”. *(see Appendix ....)*
- Withdrawing from service: If a parent withdraws their child from service, no report is needed. If a teacher or administrator receives a verbal notice by the parent of their desire to revoke services, the parent will be asked to put the request in writing. If the parent refuses to put the request in writing, an IEP team meeting will be held. The Special Education Director needs to be invited to and be a part of the IEP meeting. If written notice is provided by the parent, the District shall complete a Prior Written Notice and present to the parent.

The PWN will be completed as follows:

1. The District is revoking special education services per parental request.
2. The parent provided a written request dated XX/XX/XX to revoke services

3. Parent written request
4. No other options: the district is obligated to discontinue services once a parent provides written notice
5. The student will be treated as a general education student and will no longer receive specialized instructions or any accommodations that are not provided to other general ed. students.

**\*Point of Clarification for Exiting students:**

An evaluation is required when dismissing a student from ALL special education services. The evaluation does not need to involve new assessments; a review of records may be sufficient if there is enough current data to document:

1. The student's Present Levels of Educational and Functional Performance
2. the determination the student is no longer a student with a disability and/or
3. The student no longer needs specialized instruction and related services
4. The team may reconsider Special Education services within one calendar year without a new evaluation if the team feels there is sufficient existing data showing a need for specialized services.

**\*Additional Points of Clarification:**

An evaluation or evaluation report ARE NOT required when the student remains a student with a disability, but the team decides to dismiss from a related service (such as OT) or dismisses the student from a secondary disability (such as Speech for a student identified as EBD).

An IEP Meeting and subsequent PWN documenting the reduction in service does need to be done.

**\*Additional Points of Clarification:**

The educational category of "Developmental Disability" also has an "age out" requirement: students must be evaluated prior to turning seven (7) years old to determine if they might meet criteria in one of the other disability areas. See your Special Education Director or School Psychologist for further information on process. The evaluation will be considered a "reevaluation", but the student will need to meet initial criteria in one of the 13 disability categories.

# Transition Evaluation

## Evaluation Report (Transition Component)

### For students “During Grade Nine”

A Transition Evaluation is required to be completed for students during grade 9. A Transition Evaluation is considered a comprehensive evaluation and must follow proper evaluation procedures. If a Transition Evaluation is completed “out of sequence”, in other words, not completed as part of the three year reevaluation process, then the team has to do a comprehensive evaluation and write a new Evaluation Report with updated present levels of performance in all areas and continuing need for service. For this reason, in some instances, the IEP team may elect to do the Transition Assessment as part of a regularly scheduled reevaluation during grade 8.

A Transition Evaluation is an “ongoing process of collecting data on the individual’s strengths, needs, preferences, and interests as they relate to the demands of current and future working, educational, living, and personal and social environments.” (*Division on Career Development & Transition*)

- The transition assessment process must include gathering information from more than one source, so interviewing **only the student is not** appropriate.
- Teams may compile information formally and/or informally but are required to have information from two different assessments. Many districts choose to do one formal assessment (such as the TPI, TPS, or Enderle Severson) and one informal measure; however, districts are no longer required to complete one of each; two informal measures may be sufficient in gathering the necessary information. It is up to each evaluation team to determine how best to gather the information needed to provide baseline data for where a student’s strengths and skills are currently at and identifies the areas of needs for transition planning.

### PROCESS:

1. Transition Evaluation Planning Meeting
  - a. Complete Evaluation/Reevaluation Plan Prior Written Notice (“Eval PWN”).
  - b. The Eval PWN is unique to each student’s needs. There are required areas to be assessed, given the concerns cited by the Evaluation planning team, but each plan should be written with that student’s needs in mind.
  - c. Often, the Transition Evaluation is completed out of the three-year evaluation cycle. In those instances, the team will typically do a review of records for all other areas previously assessed.
  - d. In the absence of all team members being present, the case manager shall take notes of the specific concerns for the student to share with the absent team member(s). The absent member(s) will identify the needed assessments for the Eval PWN. The case manager and the absent team member(s) will delineate who is responsible for getting the information into the PWN. Meeting notes will be documented in the SpEd Forms “Record of Team Meeting”.

- e. The case manager will review the final Eval PWN prior to being sent home.
  - f. For Transition Evaluations, parental signature is desired but is not necessary. If the parent does not respond within 14 calendar days of the PWN being presented, the team can begin the evaluations. The team has 30 school days to complete the assessments and present a written report to the parent. Best practice is to meet with the parent prior to the end of the 30-day timeline to present the report and review continued need for special education services.
2. Completing the Evaluation/Reevaluation Plan Prior Written Notice (five questions are answered):
- a. Question 1: The District is proposing to complete a Transition Evaluation.
  - b. Question 2: The District is required, during grade 9, to complete a transition evaluation in order to gather data on the student's strengths, needs, preferences, and interests as they relate to the demands of current and future working, educational, living, and personal and social environments
  - c. Question 3: The District considered teacher and parent input, review of classroom performance and classroom observation
  - d. Question 4: Other options may include additional formal assessment such as intellectual or academic testing.
  - e. Question 5: Adaptations needed to conduct the evaluation are based on the individual needs of the student as determined by the Evaluation Planning Team. Adaptations may include chunking formal assessments into student manageable time frames, use of an interpreter, use of incentives to gain compliance. Any adaptation used needs to be listed in the final report.
3. Actual Evaluation Plan ("Materials and Procedures Chart"):
- a. Column 1: Assessment categories should flow in the same order as report. For the most part, a "review of records" will be sufficient for all areas previously assessed:
    - i. Intellectual
    - ii. Academic
    - iii. Communication
    - iv. Motor Ability
    - v. Health/Physical Status
    - vi. Sensory Status
    - vii. Social/Emotional/Behavioral
    - viii. Functional/Adaptive Skills
    - ix. Transition\* (by grade 9)
  - b. Column 2: Examples of Transition assessments include:
    - i. Formal Transition Assessments
      - 1. Transition Planning Inventory (TPI)
      - 2. Enderle –Severson Revised
      - 3. Transition Behavior Scales (TBS)
      - 4. Brigance
    - ii. Informal Assessments
      - 1. Informal Assessments for Transition Planning

- 2. Employment
- 3. Working – Career Choice & Planning
- 4. Working – Employment Knowledge & Skills
- iii. Post-Secondary Education & Training
  - 1. Learning – Further Education/Training
- iv. Daily Living
  - 1. Living – Independent Living
  - 2. Living – Personal Money Management
- v. Leisure Activities
  - 1. Living – Leisure Activities
- vi. Community Participation
  - 1. Community Involvement & Usage
- vii. Health
  - 1. Living – Health
- viii. Self-Determination
  - 1. Learning – Self-Determination
- ix. Communication
  - 1. Learning – Functional Communication
- x. Interpersonal Relationships
  - 1. Living – Interpersonal Relationships
- xi. Career Assessment
  - 1. Harrington-O’Shea Career Decision Making System Revised (CDM)

c. Column 3:

- 1. List the title of person(s) completing the assessment, conducting the observation, or completing the record review. This could be more than one professional.

d. Column 4:

- 1. *Name of person completing it – leave it blank.*

4. Next Steps

- a. Send the PWN to the parents. Initial Evaluations must be signed and returned before any assessments can be completed. Once the PWN has been returned and parents have given consent, determine the due date (30 school days from receipt of the PWN). When the due date has been set, inform the whole team and the parent(s). If possible, formally schedule the evaluation sharing meeting to go over the evaluation results.
- b. For a re-evaluation, if the parent doesn’t sign and return the PWN within 14 days, the team may start the evaluation. Determine the due date (30 school days from receipt of the PWN). When the due date has been set, inform the whole team and the parent(s). If possible, formally schedule the evaluation sharing meeting to go over the evaluation results.
- c. After the due date notification has been set and communicated, the team may send all forms necessary for the evaluation (checklists, interviews, etc.) to the parent.



Arrange when and how forms will be returned (for example, in one week, with the student, mailed to the school, dropped off at the school, etc.)

- d. If parents are coming in for interviews, inform the whole team so that all parent interviews can be done in one visit.
5. Evaluation Sharing Meeting
  - a. Evaluation results are shared with the parents and evaluation team.
  - b. For initial evaluations, parents should be provided a copy of the evaluation report prior to the meeting in order to allow time to process the results.
    - a. It is recommended NOT to have an IEP meeting immediately after the initial evaluation sharing meeting.
    - b. Case manager has 30 days to contact parents, if student qualifies for special education, to convene an IEP team meeting and write the IEP.
  - c. For reevaluations, parents should be provided a copy of the evaluation report prior to the sharing meeting (to the extent possible).
    - a. Case manager may convene an IEP team meeting immediately after the evaluation sharing meeting on case-by-case basis.

\*Points of Clarification:

Formal vs. Informal (for Transition purposes, “Formal” and “informal” do not hold the same meaning as academic or cognitive assessments).

- **Formal Assessment:** Standardized and criterion-referenced instruments are administered to the student. These Transition Assessments are usually given by the Special Education Teacher unless the instrument requires additional training.
- **Informal Assessment:** Non-standardized or non-criterion-referenced instruments used to gather information on a student, reviewing and compiling data to make decisions about Transition goals. These typically include questionnaires, interest surveys, and interviews.



# IEP Development

Individual Education Plans (IEP) are the vehicle that drive a student's educational program and ensure a free appropriate public education (FAPE). The IEP consists of present levels of academic achievement and functional performance (PLAAFP), goals and objectives, accommodations/modifications, services, and the student's least restrictive learning environment (LRE). The IEP team consists of special ed teachers (licensed in the area of disability, as well as the case manager if different), general ed teacher(s), parents, and administrator(s). Student involvement should be considered on a case by case basis. Some students as young as 6<sup>th</sup> grade may be ready to participate in the meeting. At a minimum, if the student is in grade 9 or above, they should be included in the meeting. All are valued members, and all are expected to contribute to the final document.

## Annual IEP Meeting

Overview: Students are required to have an Individualized Education Program (IEP) meeting annually. If there is a need to do one sooner than one year, an IEP meeting can be called at any time (by the school staff or the parents). Teams must have the IEP meeting no later than one year from the "IEP Meeting Date" listed on the current IEP. *For example, if the last IEP meeting was held on May 17, 2020, the next IEP meeting must be held by May 17, 2021. If that date falls on the weekend, the meeting must be held by that Friday prior to the weekend.*

### Process:

1. One month before the IEP meeting is due
  - a. Contact parents to see what dates/times work to have the meeting
  - b. Contact other team members (i.e. general education teachers, administrators, and related service providers) to see what dates/times work to have the meeting
  - c. Review progress reports and gather the data that has been collected over the last year to report at the IEP meeting. This information will be shared at the meeting and will be used to write a new present levels of academic and functional performance (PLAAFP) which will be added to the IEP after the meeting.
2. Gathering the Team
  - a. The required IEP team members are the parent, the special ed teacher (and an individual licensed in the student's disability area, if different than the case manager), a general education teacher (if the student participates in general education), a district representative/designee, and the student (especially if transition age). \*Note: if the student has more than one general ed teacher, only one needs to be invited to attend. Best practice is to invite the general education teacher who teaches a class the student is in.
  - b. The District Representative/designee must meet 5 requirements:
    - i. Qualified to provide or supervise specially designed instruction
    - ii. Knowledgeable about the general education curriculum
    - iii. Knowledgeable about the District's availability of resources
    - iv. Not the student's teacher

- v. Has the authority to commit District resources
  - c. Related service providers and other support staff that work closely with the student who can provide input should be invited.
  - d. If transition age (“During Grade Nine” – State definition) the following representatives are required where appropriate: a County Social Worker, Division of Rehabilitation Services counselor, State Services for the Blind, Group Home management, Job Coaches or agencies providing job support or Work Experiences Coordinator.
  - e. A “Notice of A Team Meeting” is completed by the special education teacher and sent home parent at least two weeks prior to the meeting.
3. Convening the IEP meeting (consider holding the meeting virtually or by phone if the parent indicates it is too difficult to come in person. Team members may also participate virtually)
- a. Meetings should be no longer than one hour. If a meeting is expected to be longer than an hour, team members should be notified so they can plan accordingly.
  - b. Team members should be present for the entire meeting, however, if a required team member is not able to attend or to stay for the entire meeting, an “Agreement Regarding IEP Team Member Attendance” must be signed by the parent BEFORE the meeting starts AND that team member needs to provide a written summary of the student’s strengths and needs. \*The form is not needed if you switch out a team member prior to the meeting, such as a general education representative. The requirement is for the “role” to be present, not that particular individual.
  - c. If the parent does not show for the scheduled meeting and two attempts (e.g. contacted by phone, email and/or Notice of Team Meeting) had been made for that specific meeting, hold the meeting, write the IEP and send to parent with PWN.
  - d. An agenda is shared with the team. An agenda template is found in the Appendix.
  - e. Best practice is for team members to sign in. Have the team sign in on the “Record of a Team Meeting” form in SpEd Forms.
  - f. Assign a note taker/timekeeper. Following the meeting, the note taker should transfer the notes to the “Record of a Team Meeting” (if that document was not used) or upload the notes into the History section of SpEd Forms with the label “Team Meeting Notes for “X” student, “X” date”. Meeting Notes are helpful for team members not present during the meeting for later review and in writing the new IEP.
  - g. *Hand out the Procedural Safeguards with a brief explanation (e.g., “This document lists your and your child’s due process rights, including what you can do if there is a dispute.”)*
  - h. *Additionally, ask the parent to please turn to page 7 and provide the following explanation, “We are required to do what is known as ‘Third Party Reimbursement.’ If your child is on Medical Assistance (MA) and the IEP contains services that are considered ‘medical’ (OT, Speech, daily cares), the*

*District is able to bill MA for the services. This does not impact your benefits. You have the right to decline allowing us to bill; it will not impact the services we provide, however, allowing us to bill gives the district additional funds for special ed programming and support. Please sign this form. You only need to sign this form once so if previously signed, you don't need to do it again."*

- i. During the meeting, address present levels of academic and functional performance (PLAAFP), goals/objectives, services, extended school year (ESY), state and district testing, and modifications/supports the student will need during this IEP. If in grade 9 and a Transition Evaluation has been completed, the Transition Areas need to be addressed (See "Transition IEP" section for further guidance.)
4. Writing the IEP:
- a. Present Levels of Academic Achievement and Functional Performance (PLAAFP or "present levels") The present levels of academic achievement and functional performance (PLAAFP) is an integrated summary of current data from all sources including parents (i.e., the data is from that current school year). The PLAAFP describes how the disability affects the child's involvement and progress in the general curriculum. In addition, during grade 9 and above, address the present levels of performance in each of the transition areas. Include a needs statement, that results from the student's disability, that will be addressed by the Measurable Annual Goal. From a practical perspective the team is required to develop an IEP that is reflective of the student's skills and needs at that point in time. When an Evaluation is completed, the summary from that report can be cut and pasted into the PLAAFP. The next IEP will not have that data-it will have data based on the current school year. The third IEP out from the ER will also not have the Evaluation summary in the PLAAFP. Do not include data from previous year's IEP's/Evaluation Report; each PLAAFP should be a summary of CURRENT data, not a repeat of previous data. The PLAAFP can be written in a narrative form as long as it addresses the elements of the child's progress and how the child's disability affects progress and includes a needs statement that will be used to develop goals. A format for writing a PLAAFP can be found in Appendix 23.
  - b. Student needs will be addressed via IEP goals or Modifications/supports.
  - c. There needs to be at least two and no more than six objectives per goal
  - d. Goals must have a measurable baseline and ending level (can be found in the PLAAFP or the goal).
  - e. Measurability can be found in the goal or objective.
  - f. Measurable Annual Goals: Are They Written Properly? MDE has identified critical criteria to be present in measurable annual goals. The following three additional "tests" are also suggested to compare an annual goal against to decide if it is written correctly.
    - i. **The Stranger Test:** The "Stranger Test" refers to annual goals for students that are written in a way that a person unfamiliar with the student could read and understand them with no difficulty or misconception. This

expectation is essential for academic, functional, and behavior goals.

Because various people are involved in the implementation of a student's educational plan, each person will have their own interpretation as to what has been written in the IEP. Thus, the importance of having all information on the IEP as clear as possible is evident. For example, if it is written the student has "hostile behavior," a stranger might interpret this as the student hits, kicks, or bites others, but the IEP team may have meant he/she makes verbal threats or uses profanity toward others. If hitting is the hostile act, does the student do this toward peers and/or toward adults? Does the student hit only when provoked or in multiple situations? Simply stating the student has "hostile behavior" is not descriptive enough. Write a full description of the specific academic skill or behavior that the goal is addressing so the "stranger," parents and all others involved in implementing the IEP are clear as to what is addressed in the goal. Having all participants viewing the goal the same way will provide results that are more comparable and meaningful for the goal progress monitoring which must be done.

- ii. **The Dead Man's Test:** The question posed by the Dead Man's Test is this: ***Can a dead man do the goal?*** If the answer is "Yes," then it doesn't pass the Dead Man's test and it must be reworded. If the answer is "No," then the annual goal passes this test. For example, if your behavior goal states, **"the student will not swear at peers."** This doesn't pass the Dead Man's test because a dead man also doesn't swear at peers. However, if the goal is rewritten to state, **"the student will speak to peers with appropriate school language"**, then this passes the test because dead men don't speak, and we can measure the behavior/define "appropriate school language".
  - iii. **Positive versus Negative Written Goals:** Goals should be written in positive language which indicates what the student will do, or the expectations to be met. A negatively written goal states what the student will not do. The statements in the Dead Man's test above show the difference. Negative connotation: "the student will not swear at peers" This only states what you want them to stop doing. **Positive connotation:** "the student will speak to peers with appropriate school language". This replaces bad behavior with desired behavior.
5. Goal Example: "Fredrick" will increase his reading skills FROM a level of reading less than 50 functional sight words, TO a level of reading 150 functional sight words with 90% accuracy by the next annual review date.
    - a. This goal contains:
      - i. Skill to be taught
      - ii. Direction of change
      - iii. From current level to expected level

- iv. By when (it can be assumed by the next annual review date, but a date can be added when using benchmarks. Ex: by first trimester 80 words, by second trimester 100 words, etc.)
- b. Objective example: 1) Given a list of functional words and direct instruction, Fredrick will read 80 words with 90% accuracy as measured by teacher's frequency count of correct/incorrect word call by the end of the first trimester.  
2) Given a list a list of the top 120 functional sight words and direct instruction, Fredrick will read 100 words with 90% accuracy as measured by teacher's frequency count of correct/incorrect word call by the end of the second trimester.  
*For additional information on Goal writing, see "Goal Writing Tutorial, Appendix 8"*
- 6. Least Restrictive Environment (LRE): An explanation of the extent, if any, to which a student with a disability will not participate with nondisabled peers in the general ed classroom and in extracurricular and nonacademic activities. LRE needs to answer three questions:
  - a. Why the nature and severity of the student's disability is such that he/she must be removed from general education in order to receive services
  - b. What is the student missing in the general ed when receiving specialized instruction away from general ed peers
  - c. Does the LRE match the Service Grid information
- 7. Services: The IEP service grid documents the direct and indirect instruction that is sufficient in frequency, location, and duration to reasonably enable the student to meet IEP goals by the end of the year.
  - a. For example, if the PLAAFP has identified needs in math, there should be a goal in math and corresponding services in the service grid. The amount of time to address the goal is based on the student's needs.
  - b. Indirect service may include consultation with related service providers as well as the special education teacher's consultation with the regular ed teacher.
- *Child Specific Paraprofessional (need for 1:1, not shared): The IEP team needs to determine if 1:1 additional support is needed for the student in order to meet goals, maintain behavior, safety, health needs, and/or participate in the general curriculum. See Appendix 17 for additional clarification for determining Paraprofessional support. Once the team determines the need for a 1:1, the specific support and minutes need to be listed in that section of the IEP. A start and end date are required. The 1:1 Para minutes are not listed on the service grid. \*NOTE: if the student requires additional support that does not rise to a 1:1, it is considered "shared para support [the para can support multiple special ed students in the classroom]. A shared para is not listed in the "Paraprofessional" section of the IEP but is listed in the accommodations section listing the specific classes/activities the support is needed (not minutes). PROCEDURAL NOTE: 125A.08(c) Paraprofessional Review of IEP – within 5 days of beginning to work alone with an individual student with a disability, the assigned paraprofessional must be either given paid time, or time*

*during the school day, to review a student's IEP or be briefed on the student's specific needs by appropriate staff.*

8. **Assistive Technology:** *The team must consider if a student requires Assistive Technology in order to meet the goals of the IEP or to access the general ed learning environment. Assistive Technology can be something as simple as a pencil grip to as advanced as eye-sight pointer. This section must have a statement, even if it is, "The team considered Assistive Technology and determined none was needed for [STUDENT's NAME]." NOTE: The OTR and PI teachers are excellent resources to assist the team in formally determining Assistive Technology needs. If the IEP team does determine Assistive Technology is needed and it was not included in the last evaluation, a new evaluation must be considered. See the Director of Special Education for further guidance.*
9. **Special Transportation:** *Special Ed transportation is a reimbursable cost for the District. The IEP determines if special transportation is required for the student to attend school. The determination must be based on the student disability, not on parental preference.*
  - a. *District boundaries: If a student transfers to the District with Special Transportation on the IEP, the District's obligation is to transport within the District's boundaries. If the District does not have a defined boundary, the default would be to use the boundaries for the traditional K-12 School District the Charter School is located in.*
  - b. *Extended School Year (ESY): In order for the student to access ESY, special ed transportation can be provided to students qualifying for ESY.*
  - c. *Day Treatment: If the Charter and the resident district have determined how transportation will be provided, list in this section. \*\*See section on "Day Treatment" for additional information.*
  - d. *Post-Secondary Enrollment Option (PSEO): Special Ed transportation is not allowed for PSEO students.*
  - e. *Transporting general ed and special ed students under "special transportation": it is permissible to transport general ed and special ed on transportation labeled "Special Transportation" with the following caveats:*
    - i. *The number of special ed students exceed the number of general ed students*
    - ii. *The special ed students all have "Special Ed transportation" on their IEP.*
    - iii. *The cost of the transportation is split accordingly between general ed and special ed. For example, if there are 4 students being transported, 3 special ed and 1 general ed, the cost of the transportation would be billed 75% to special ed and 25% to general ed.*
10. **Program Modifications, Supports and Adaptations:**
  - a. **The IEP must include statements of program modification, supports or adaptations that will be provided to the student for them to make progress.**
11. **Supplementary aides and services in Nonacademic and Extracurricular activities and services:**
  - a. **Listed in this section are supplementary aides and services the student may need in regular ed setting, nonacademic settings (e.g. lunch, hallway, recess), including**



extracurricular activities, that will enable the student to be in the general education setting to the maximum extent appropriate to the student's needs and disability. Examples include items such as audiobooks, special seats, adaptive equipment, or assistive technology. For extracurricular activities such as sports or clubs, the team needs to consider supports, including Paraprofessionals, the student may need in order to participate.

12. Program Supports for School Personnel:

- a. Give school staff sufficient information to implement the IEP. An example statement could be, "School staff will be provided specific information on [student's] disability".

13. Extended School Year (ESY): refers to special education services that are provided to a student with a disability beyond the normal school year of the district. The purpose of ESY is for skill maintenance, not new skill development. The student's IEP team must determine if ESY services are necessary during a break in instruction to provide FAPE. ESY is usually reserved for the most significantly impaired of the school's Special Ed population (approximately 10%). It is not typical for a newly identified Special Education student to be eligible for ESY, but the IEP team may make that determination based on the individual student's needs based on one of the three conditions. The student's IEP team determines his/her eligibility for ESY **annually** by documenting student need in at least one of three conditions (See Appendix 12 for additional guidance):

- a. Regression/recoupment: significant regression of a skill or acquired knowledge from the pupil's level of performance on an annual goal that requires more than the length of the break in instruction to recoup.
- b. Self-sufficiency: services are necessary for the pupil to attain and maintain self-sufficiency because of the critical nature of the skills addressed by an annual functional skills goal, the pupil's age and level of development, and the timeliness for teaching the skill.
- c. Unique need: the student's unique needs are such that ESY services are needed to ensure FAPE.
- d. NOTE: if the team marked "more data needed", the teacher must be collecting data and review the data with the IEP team prior to the end of the year in order to make a final determination of eligibility using the criteria above.
- e. If a student does receive ESY services, their progress must be documented. There is a form on SpEd forms specifically for ESY Progress Reporting.

14. State Assessments: MCA and MTAS: list accommodations. Review criteria for MTAS. Of note, while the MTAS is not restricted to any disability, the MTAS is designed to be given to students with significant cognitive delays or to students that have not had exposure to the general curriculum. In general, MTAS would be administered to 1% or less of the special education student population.

15. District Assessment: Accommodations may be similar to MCA.

16. Behavior Intervention Plan (BIP): If the student had an FBA completed **and** behaviors were identified in the most recent evaluation, a BIP needs to be written to address replacement behaviors, staff response to behaviors, measurement standards, and

environmental changes needed to promote student success, and reward system for positive behaviors if appropriate. **The BIP should be developed and/or updated during the IEP meeting; a draft plan can be brought to facilitate discussion.**

17. Create and send a Prior Written Notice (PWN) with the IEP. Have the IEP written date and PWN date match (they should both be the same date).
18. Service start dates: 14 calendar days from the date the IEP and PWN are sent out to give the parents their 14 calendars days of informed consent. For example, if the IEP and PWN are sent on October 14, the Services start date will be October 28.
19. Progress Reports: Progress of the student's goals need to be completed as often as report cards/progress reports are done for general education students. Ex: Sunnyside Elementary School is on a four quarters system. Report cards go out at the end of each quarter. The IEP manager needs to complete the IEP progress report at the end of each quarter to go with the general education report card/progress report.
  - a. An IEP meeting can count as a progress report provided the case manager completes a formal progress report on the expiring IEP and provides a copy to the parent at the time of the IEP meeting.
  - b. If the IEP is so new that progress has not been collected, add the statement, "The new IEP went into effect on [date from service page] and progress has not been collected on this goal yet." ("new" would be 2-4 weeks; enough time to collect at least one date point).
  - c. Progress reports need to have comments in each box along with the boxes checked for adequate progress, goal met, or insufficient progress. The comments need to contain data pertaining to the goal and the measure listed.
20. During the student's final year of school (whether graduating off credits or aging out), the final IEP meeting would discuss a summary of the student's performance. A corresponding "Summary of Performance (SOP)" is to be completed prior to the end of the school year and a PWN detailing the student is graduating or aging out is written. Both are presented to the student and/or parent.

**\*Points of Clarification:**

- 1) Have the IEP written and out to parent within two weeks of the meeting being held.
- 2) Do not Finalize the IEP until either a signed PWN is returned or the 14 days of implied consent.
- 3) After an Initial Evaluation: After a student initially qualifies for special education services, the IEP team is required to meet to develop an initial IEP to meet the student's needs. Ideally this would happen as a separate meeting from the Evaluation share meeting; however, they may be held consecutively if there have been difficulty scheduling meetings with the parent. **The IEP meeting must be offered within 30 days of the Evaluation share meeting. If a parent declines to meet, a PWN is written to document the parent's refusal. The District does not have the ability to challenge a parent's refusal for an Initial Individual Education Plan.**

**Process for an Initial Individual Education Plan:**



1. Convene an IEP team meeting with the required team members within 30 school days of the evaluation share meeting.
2. Use the evaluation to identify present levels, needs, accommodations, goals, objectives, services, and minutes of service.
3. Have the IEP written within 2 weeks of the IEP meeting.
4. Send the IEP and PWN out with the service start dates 14 calendar days from when it was given to the parent.
5. **The student cannot be provided with special education services served until the consent form is signed and returned.**

**NOTE on Parent Consent: A parent cannot ‘cherry-pick’ services. The IEP team determines the needs and services the student requires to make progress in the general education curriculum. If the parent agrees to some services but not others (either by return of the PWN or by statement), the Special Education Director must be notified. They will follow up with parent. If the student has been receiving services, the previous IEP is in place (known as “Stay Put”) while the parents and District discuss options.**

### Transfer of Rights

- This happens at the IEP meeting no later than **the student’s 17<sup>th</sup> birthday (it can be done earlier, if desired)**. It is the responsibility of the case manager to notify the parents and the student that the rights will transfer to the student when they turn 18 **unless** a legal guardian has been appointed.
- Document the date the student and the family were informed in the IEP (found on the “Transition Services 2” section of the IEP template on SpEd Forms.)
- SpEd Forms has a document “Notice of Transfer of Parent Rights” that can be generated when the link, at the bottom of the page, is clicked. This form is then placed in the student file with the current IEP.

### Federal Educational Settings

One of the requirements of the IEP team is to determine which “Federal [Educational] Setting” the student’s services fall into. There are 8 Federal Settings, but Public Schools serve 1-4 and 8. In general, for Federal Settings 1-4, the higher the number, the greater level of support (and more restrictive the setting) the student receives. While the percentage is determined “per day”, the easiest way to calculate is to add the amount of services (time) the student receives in one week and divide by the student day.

For example, if the student receives Special Education support in reading 5 times per week for 30 minutes per session (“5 x 30/week”) and speech support 2 times per week for 20 minutes per session (“2 x 20/week”) that equals:

- $(5 \times 30) + (2 \times 20) = (150 + 40) = 190$  minutes per week of services

If the student’s instructional day is 6.5 hours per day, that totals 1950 minutes per week

- $(6.5 \text{ hours} \times 60\text{min}) = 390 \text{ minutes} \times 5 \text{ days} = 1,950$
- $190 \text{ min}/1950 \text{ min} = 9.7\%$  of the week

This would be a Fed Setting 1 – Outside of the regular classroom less than 21% of the school day. See below for the detailed classifications of Federal Settings.

### **SCHOOL AGES 6 – 21**

**01 Special Education outside regular class less than 21 percent of day.** Include children with disabilities receiving special education and related services outside the regular classroom for less than 21 percent of the school day. This may include children with disabilities placed in:

- Regular class with special education/related services provided within regular classes
- Regular class with special education/related services provided outside regular classes or
- Regular class with special education services provided in resource rooms

**02 Special education outside regular class at least 21 percent of day and no more than 60 percent of day.** Include children with disabilities receiving special education and related services outside the regular classroom for at least 21 percent but no more than 60 percent of the school day. This may include children placed in:

- Resource rooms with special education/related services within the resource room or
- Resource rooms with part-time instruction in a regular class.

**03 Special education outside regular class more than 60 percent of day.** Include children with disabilities receiving special education and related services outside the regular classroom for more than 60 percent of the school day. Do not include students who receive education programs in public or private separate day or residential facilities. This category may include children placed in:

- Self-contained special classrooms with part-time instruction in a regular class, or
- Self-contained special classrooms with full-time special education instruction on a regular school campus

**04 Public Separate Facility.** Include children with disabilities receiving special education and related services for greater than 50 percent of the school day in public separate facilities. This may include children placed in:

- Public day schools for students with disabilities, or
- Public day schools for students with disabilities for a portion of the school day (greater than 50 percent) and in regular school buildings for the remainder of the school day.

**08 Homebound/Hospital.** Includes children with disabilities placed in and receiving special education and related services in:

- Hospital programs, or
- Homebound programs.

If a school has a preschool program, Federal Settings are determined differently. See your Special Education Director for additional information.

# Transition IEP's

## Transition IEP (Transition Component)

### For students “During Grade Nine”

After a Transition Assessment, required to be completed for students during grade 9, an IEP meeting should be held to develop a Transition IEP. In some instances, the team may elect to do the Transition Assessment as part of a regularly scheduled reevaluation during grade 8. In these instances, the new grade 8 IEP will include Transition areas.

The Present Level of Academic Achievement and Functional Performance for the Transition IEP will initially come from the Transition Assessment which will provide baseline data for where a student's strengths and skills are currently, identify in what areas the student needs transition planning and provide insight into goals and activities needed for the Transition Section of the IEP. Student input at the meeting is an important source of information and should be included in the Present Levels of Academic Achievement and Functional Performance. Subsequent IEP's Present Level of Performance will be based on the student's performance and progress on the goals and activities of the previous IEP.

When students are given the required Transition Assessments (due to the student reaching Transition age- “During Grade Nine”), federal law requires each identified transition need to be addressed somewhere within the IEP. The needs could be addressed through educational goals (including academic/behavioral/social/emotional area), Transition Goals, Transition Services, including the Transition Activities.

- The Transition IEP still needs to have goals that address the student's academic, behavioral, and social needs as appropriate, based on the student's disability and previously identified needs.
- Federal law requires each identified need to be addressed somewhere within the IEP. This can be within Goals and Objectives, Transition Services, or under the Transition Activity's page.
- The Transition IEP must also have appropriate measurable transition goals in the following three areas: post-secondary education and training, employment, and independent living (as appropriate and may include recreation and leisure, community participation and home living). **\*Note:** No objectives are required for Transition Goals
  - Post-secondary goals are what the student plans to do upon **exiting** from secondary education (i.e. High School).
  - Transition goal format: A transition goal begins with “after high school” or “after transition program”; uses results-oriented terms such as **enrolled in**, **participate in**, **work**, and **live independently**; uses descriptors such as **full time** and **part time**; and must be specific (For example, “After high school, I will go to barber school and then run my own business.”).
  - Educators are **not** responsible for the choices a student (or his or her family) makes when he or she leaves school.

- Educators are responsible for developing a transition plan and providing the services specified in the plan.
- The Transition IEP must list courses of study. These courses are the typical course of study any general ed student would take during High School. However, this is a projection and not a “set-in-concrete” list. The courses need to reflect what a same age peer might take during grades 9, 10, 11, and 12.
  - Example: A grade 9 Transition IEP lists the following courses for 11<sup>th</sup> grade: “Algebra 2”, “US History 1870-present”, “Biology” and “Small-engine Repair”; however, during the 10<sup>th</sup> grade IEP, the student chooses to take “Civics” rather than “US History”. It is perfectly acceptable to substitute the new course for 11<sup>th</sup> grade, as the IEP is an ever-changing document reflective of the student’s ongoing needs and interests.
  - The IEP cannot list courses of study as “Math”, “Science”, “History” and “Elective”. MDE requires the team to be specific as to the possible courses of study for the student based on their preferences as identified in the Transition Evaluation.
  - Projected-based learning model: 5.5 credits earned through seminar classes, experiential learning opportunities, and the independent, interest-driven, multi-disciplinary, project-based learning model in the areas of: Art, Health Electives, Physical Education, Algebra II, Language Arts Composition, Language Arts Electives, Chemistry/Physics, Science Electives, and World History, and through Career & College Readiness activities and Experiential Learning opportunities
  - Post-Secondary Enrollment Option (PSEO): Special Education students are eligible for PSEO if they meet the criteria established by the District. If the student participates in PSEO, it should be listed in “courses of study” as well as an activity in the “Instruction” of the Transition Services. Special Transportation is not an option for transporting students to a PSEO site; if transportation is being provided for general ed students, the special ed student would ride the same transportation. \*Note: Student participation in PSEO is limited to course work required for graduation. Transition aged students (18-22) who have completed high school credit requirements but have not graduated, are not typically eligible for PSEO.

#### Point of Clarification for Courses of Study

- Creates relevance and meaning for the student by making a connection between his/her postsecondary goals and high school courses, targeting educational experiences over **multiple years**.
- **\*Courses Subject to Availability** may be included in the IEP if the IEP team is planning for the future.
- Students were graduating without the necessary requirements to enter a college program.
  - The Transition IEP must also list Transition Services. Transition services are a coordinated set of activities determined by the IEP team to:
    - Produce a result oriented IEP process

- Focus on improving the academic and functional achievement of the child
- Facilitate movement from school to post-school activities
- Are based on the student's needs, considering the student's strengths, preferences, and interest
- Include instruction, related services, community participation, development of employment and other post-school adult living objects and, when appropriate, acquisition of daily living skills and provision of a functional vocational evaluation (this last service is typical for students with significant impairments due to their disability)
- The specific activity and agency providing the service must also be listed.
  - Example: Under "Instruction" the team might list two activities: 1) "the student will participate in the Work-Based Learning Program and complete all program requirements", with the agency responsible being the school and 2) "will register with Vocational Rehabilitation Services", with the agency responsible being "Vocational Rehabilitation Center".
- The Transition IEP should be student friendly.
- The student needs to be invited to the IEP meeting and listed as a team member.

#### Points of Clarification for Transition Services (Coordinated Activities)

- Transition Services is where you can write things the IEP team thinks the student should work on during the year, **but the team does not want them as "goals"**.
- Here you list **WHO** is going to do this (student, teacher, work coordinator, adult agency, etc.).
- This area IS similar to needs, but in this section, you list WHO will help the student complete the task (and sometimes it just may be the student).
- Employment Example:
  - **Work Coordinator and Justin:** Together we will complete my resume.
  - **Justin:** I need to update my Filemaster.
- **Justin and Case manager:** During Case Management time, I will work with my case manager to practice my interviewing skills.

### Age of Majority

Parents and the student must be informed of the transition of parental rights **on or before the child's 17<sup>th</sup> birthday**. In some instances, because of the severity of the student's disability, the parent may make it known that the student is not capable of making adult decision and will be the student's guardian.

### Guardians & Conservators

**What is the difference between a guardian and a conservator?** As defined by the courts, a guardian is someone appointed to make decisions about health care, living arrangements and other personal issues for a protected person (ward). A conservator is appointed to make financial decisions such as entering contracts, paying bills, and investing assets for a protected person.

**What power do they have over an individual's life?** Their powers are broad but not absolute. According to the Minnesota attorney general's office, they may use their authority only as necessary to provide care and services for the protected person. The court should ensure that decisions made will not be overly restrictive of the protected person's rights.

Points to consider:

1. Grade retention: There is no MDE policy on grade retention. The policy on grade retention is a school's decision and should be made by the School Board. **Decisions on retention should be made by the school, not by the parent.** Studies show students who have been retained have a 50% greater rate of dropping out of school. IF a school is going to create a retention policy, some elements to consider: earlier the grade retained (k, 1<sup>st</sup>) the better; the child's social/emotional development in comparison to peers; Retaining a student should not to be used as a "punitive measure".

2. Grading: Grading policies are established by each school district. Unless a special education teacher is teaching students in a self-contained classroom (Fed 3 or Fed 4), a special education teacher should not be assigning grades. Special Ed teachers work on skills, not curriculum. If a mainstream teacher wishes to consider the skill development as part of a grade in the curriculum, a collaborative conversation on a grade is warranted.

At the secondary level, the state of Minnesota requires a teacher to be licensed in the subject matter in order to assign a grade (and credit). Special Ed teachers are often asked to give grades for their work with students. As a Special Ed teacher, the emphasis is on skill development, not on curriculum. However, Special Ed teachers often provide tutorial support, in addition to the specialized instruction on goals, and may be able to provide in-put on the grades for a student in a particular course. If the Special Ed teacher is teaching a replacement course for a student, as determined by the IEP team, it may be appropriate for the teacher to assign grades.

A Student's report card may show the student is receiving a grade in a modified course or language on the report card may indicate modifications were made to the course content. A STUDENT'S TRANSCRIPT CANNOT INDICATE A STUDENT TOOK A MODIFIED COURSE. Districts will often use titles such as "Math 100" or "Math Foundations" to differentiate course work, but there cannot be any indication the course work was provided by a special ed teacher or provided in a special ed class.

# Transfers

## (newly enrolled Special Ed Students)

As a Charter School, any new student enrolling with an IEP is considered a “transfer”. There are two different types of transfer practices to follow: In-State and Out-of-State.

### IN-STATE Transfers

Overview:

When a student enrolls in one of our schools with an IEP from a Minnesota School, our Charter School, in consultation with parents, is required to provide FAPE, including service and supports comparable to the incoming IEP until our Charter School either formally adopts the incoming IEP or creates a new IEP. (based on 34 CFR § 300.323(e))

Process:

Student enrolls with an in-state IEP:

1. The Special Ed coordinator or Special Ed teacher meets with the parent and/or student to review the incoming IEP and determine if comparable services and supports can be provided. In unique situations, the school may delay enrollment up to two (2) school days to await the IEP if it is not presented at the time of enrollment.
2. If comparable services and supports can be provided, the student remains enrolled and a special ed service schedule is established.
3. If comparable services cannot be provided, the Special Ed Director should be involved in a discussion of the alternatives for the parent and student. (See Points of Clarification)
4. Within 30 calendar days, a formal IEP team meets to review the incoming IEP and formally adopts the IEP from the previous school district. The old “meeting date” is retained and an IEP meeting will be held before or by that date.

**OR**

A formal IEP team meets to develop and implement a new IEP. This becomes the new “meeting date” for the IEP and the team would not need to meet until that next annual date unless student needs indicate the necessity to meet.

Points of Clarification:

1. “Comparable services” refers to similar or equivalent services as determined by the new IEP team in our Charter School. For example, if a student enrolls with a Fed Setting 4 IEP, our Charter School must hold a formal IEP meeting to determine if comparable service can be provided. **From a practical point of view, this means that the person at the school responsible for enrollment must take note of the Federal Setting on the incoming IEP and notify the Special Ed Director, Special Ed coordinator, or Special Ed teacher and an IEP meeting must be held to determine if the Charter School can**



**provide the service. If the school determines it cannot provide comparable services, the team must work with the student while comparable services are found. Possible courses of action are for the team to place the student on homebound instruction, to delay the start for one or two days (maximum) while other placements in the resident district are sought. In extreme cases, the District may need to resort to the Dispute Resolution process offered by MN Rule and MDE. The student is enrolled, placed in a 1:1 setting in a space by themselves, and the school pursues a facilitated IEP, Conciliation, mediation, or a hearing.**

2. If the incoming IEP is noncompliant (e.g. IEP is past due, goals are not measurable, or service grid does not match LRE), we must bring the IEP into compliance within 30 calendar days.
3. If the student is coming to us from a school that uses SpEd Forms, a transfer request is completed.
4. If the student is not from a SpEd Forms school, a “place holder” IEP is created. At a minimum, the place holder IEP should include the current Annual date, the current evaluation date and the services provided. Depending on the school’s practice, the goals and objectives may also be transferred to the place holder IEP. The transfer of the goals allows for Progress Reports to be completed within SpEd Forms, otherwise, the teacher will need to do progress reports on a different platform, sent home to the parent and uploaded into the student’s History section. The place holder IEP remains until the next Annual IEP meeting.
5. The Tuition Agreement is completed within one month of enrollment. The start date of service for the Tuition Agreement is the enrollment date.
6. **Points of Clarification for SNAP:** Students identified as SNAP (Students Needing Alternative Programming), in Minneapolis, have been identified as meeting special education eligibility under Part B in the state of Minnesota. If a student identified as SNAP transfers into your district, the process is the same as with any other in-state transfer student. The District, based on the incoming IEP and ER will designate the student as an SLD or DCD student for MARSS reporting.
7. **Additional Points of Clarification for SNAP:** If the team reviews the SNAP Evaluation from Minneapolis and decides there is not enough data for the team to identify the disability category of either SLD or DCD, the team must complete a new evaluation and it is considered a reevaluation. The student **does not need** to meet initial criteria for DCD or SLD, but they do need to meet initial criteria for all other disability categories. For DCD or SLD, the ER needs to demonstrate continued need for special education.
8. In some situations, the enrollment paperwork does not indicate the student is on an IEP, but an IEP comes with the records forwarded by the previous district. In these instances, an IEP Team meeting must be held without delay to review and determine services.

## OUT-OF-STATE TRANSFERS

1. Student enrolls with an out-of-state IEP and out-of-state Evaluation Report
2. The Special Ed coordinator or Special Ed teacher meets with the parent and/or student to review the incoming IEP and determine if comparable services and supports can be



provided. The school may delay enrollment up to two (2) school days to await the IEP if it is not presented at the time of enrollment.

3. If comparable services and supports can be provided, the student is enrolled, and a special ed service schedule is established.
4. Because out-of-state eligibility is different than Minnesota eligibility, our charter school needs to convene a formal Evaluation Planning meeting within seven (7) school days. The planning team will review the out-of-state Evaluation Report and determine if the report contains the necessary information for the student to qualify, based on Initial Minnesota criteria and that the team can determine educational needs of the student. If the ER does contain the necessary information, **a new evaluation is not necessary and the team documents that determination on a separate PWN. An IEP meeting is held to develop a new IEP and a PWN is developed and sent to the parent.**
5. The new IEP is considered an “initial” and parental consent must be obtained. If the parent does not respond in 10 days, effort must be made to contact the parent and determine if they are going to agree to the new plan or not. If the parent does not agree to the new plan or the school is unable to reach the parent, services to the student are to cease and a PWN sent to the parent alerting them to the ending of service. The district cannot use dispute resolution procedures to obtain consent.
6. If the incoming Evaluation Report does not meet Initial MN criteria, a new evaluation is necessary. This evaluation is considered an initial evaluation and the student must meet initial criteria. An Evaluation PWN is completed and parental consent is required.
  - a. If parent agrees, move forward. The team conducts the assessments as outlined in the PWN. The student must meet initial criteria to qualify for service in MN.
  - b. If parent doesn’t respond to the Evaluation PWN, the District must make reasonable effort to obtain consent, but if parent fails to respond or does not provide consent, **services to the student stop** (there is no “stay put IEP” because there is no IEP that meets MN standards). The District cannot use dispute resolution procedures to secure parental agreement.
7. During the assessment, the student RECEIVES service.
8. If the student qualifies under MN criteria, a new IEP is developed and proposed. The parent is presented with a PWN. Parental consent is required but during the time the parent is considering the IEP, comparable services are provided.
9. If the parent does not respond within 14 calendar days, the District must make reasonable effort to obtain consent, but if parent fails to respond or does not provide consent, **services to the student stop** (there is no “stay put IEP” because there is no IEP that meets MN standards). The District cannot use dispute resolution procedures to secure parental agreement.
10. The Tuition Agreement is completed within one month of enrollment. The start date of service for the Tuition Agreement is the enrollment date. If service is ended due to parent failure to respond or their declination of service, an end date is placed on the Tuition agreement.

**Special Consideration:**

If a student is transferring into MN, they must meet initial criteria regardless of where they are coming from or how long they have been there. Even if the student qualified in MN, then right away moved to another state for three months, and then moved back, the receiving district in MN needs to document the student meets initial criteria (again) and the evaluation is considered an “Initial Evaluation”. If the situation is easy because the ER from MN was written a few months ago, the team would likely have current data to use to demonstrate the student meets initial criteria in MN. But in the case where the student qualified in MN in 2nd grade, moved to another state for four years, and are now back in MN, regardless of what was done in the other state, the student still needs to meet initial criteria in MN and the team would more likely not have the current data needed to demonstrate the student meets initial criteria in MN and new assessments may then be needed. If the recent eval done in another state has what is needed to demonstrate the student meets initial criteria in MN, the receiving district could just review existing data and document the student met criteria on a PWN. But if the other state’s ER is lacking pieces needed for MN criteria, the district would have to propose an initial evaluation to gather the additional data and document in (another) initial ER that the student meets (once again) initial criteria in MN.

Overall, the receiving district’s team would need to consider the case like any other evaluation or reevaluation. Consider the data they have and determine what additional data is needed to document present levels, identify needs, and determine whether the student meets criteria (initial criteria for based on MN rule for the various disability categories). If the student has a previous assessment demonstrating average IQ, the receiving district could probably get by without a conducting a new IQ test, but any academic, communication, behavioral, or functional data would likely be outdated and not be reflective of present levels. All this needs to be considered along with the need for the ER to document the student meets initial MN criteria in order to be eligible for special education services.

# Exiting Special Education Services

## Minnesota Department of Education:

State mandates indicate that a student with a disability may be exited from special education under the following conditions:

- If, after the completion of a special education evaluation, it is determined that the student is no longer a student with a disability
- Upon a student's graduation from high school with a regular high school diploma (*see Appendix 15 for graduating off the IEP*)
- Upon the student exceeding the maximum age for receiving special education services.
- Upon receiving a written request from the parent or the student, if the student is 18 years or older and are their own guardian.

*Authority: 34 C.F.R. § 300.306(a)(1); 34 C.F.R. § 300.102(a)(3)(i); 34 C.F.R. § 300.101(a); and Minn. Stat. § 125A.03*

## Exiting Procedures Examples:

1. If a student's progress is such that it is anticipated the student will meet their goals by or before the next Annual date. *There is no need to write an IEP as IEPs are written to address needs. If the student has met goals, then we complete the exit evaluation, but that evaluation is a simple review of records and present levels. It does not need to (nor should it) take 30 school days to do that. It can be done in 1-3 days. On the Eval/Reeval PWN, for number 5, put in that an IEP is not being developed at this time and that the typical time allotted on the expiring IEP will be used to do CBM's and write the report. Also add that if you believe that a sped student has met goals and no longer needs services, you should be proactive and propose the exit evaluation at least a few months prior to the annual IEP meeting.*
  - a. An evaluation is required when dismissing a student from all special education services due to attainment of goals. All proper evaluation procedures must be followed (34 C.F.R. § 300.305(e)(1))
  - b. Case managers should be continuously monitoring progress on goals. If it is anticipated the student will meet all their goals within the next three months, the case manager completes a "Notice of a Team Meeting" form indicating the reason is: "The team is meeting to review the student's possible attainment of their current IEP goals and to consider possible dismissal from service."
  - c. The IEP team meets to develop an evaluation plan. In developing the plan, the team reviews the student's current levels of performance and determines if any formal assessments are needed or if a review of records is sufficient.
  - d. An Evaluation Plan Prior Written Notice is completed and presented to parent.

- e. The team has 30 school days to complete the assessments, but it is recommended the assessments be completed within two weeks of parental consent (or the 14-day implied consent) if feasible.
  - f. An Evaluation Report is written, and an Evaluation Sharing Meeting is held to discuss results.
  - g. The meeting should discuss:
    - i. The student's strengths and weaknesses and any additional non-special education supports they may need in the general ed classroom. Should there be additional non-special education supports needed, a 504 plan may wish to be considered.
  - h. A "Prior Written Notice" is completed stating the District proposes to exit the student from special education services. The PWN is presented to the parent or the student if he/she is 18 years of age.
  - i. The case manager ensures that all documents are filed in the student's school record. A copy of the documents should be given to the parent/guardian and or student, as appropriate.
2. The student is graduating this school year.
- a. If the student's IEP is in spring (March-June) consider moving the IEP meeting up for proper planning to ensure the student is on-track for graduation.
  - b. If the student is on track for graduation, no later than mid-May, the teacher should write a "Summary of Performance" and complete a PWN. There is no requirement for a formal meeting. The PWN will state the student has met graduation requirements and will be exiting from services upon graduation. (See Appendix XXX for how to complete a Summary of Performance ("SOP")) ***In some instances, the student may graduate at a later date, the SOP will be written within 4 weeks of the projected graduation date (i.e. the student graduates mid-year [December])***
  - c. The PWN and SOP are sent to the parent or to the student, if 18 years old.
  - d. The parent (or student) has 14 days to respond to the PWN. If no response after 14 days, the proposed action will take place.
  - e. If the parent objects, the Special Education Director shall be informed, and a meeting will be held with the parents.
  - f. The case manager ensures that all documents are filed in the student's school record. A copy of the documents should be given to the parent/guardian or student, as appropriate.
3. The student has turned 21 years of age before June 30<sup>th</sup>, is not graduating and will no longer qualify to receive special education services (because they age out of service).
- a. There is no requirement for a formal meeting. The case manager completes a "Prior Written Notice". The PWN will state the student has aged out of service and will be exited upon the last day of school.
  - b. The PWN is sent to the parent or to the student, depending upon legal guardianship.

- c. The case manager must complete a “Summary of Performance”. There is not a requirement to meet to review the Summary, but the case manager may do so if circumstances warrant a meeting.
- d. The case manager ensures that all documents are filed in the student’s school record. A copy of the documents should be given to the parent/guardian or student, as appropriate.

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*“The IDEA requires that a Free Appropriate Public Education (FAPE) be made available to all students with disabilities between the ages of 3 and 21, inclusive. With respect to the application of that requirement to students aged 3, 4, 5, 18, 19, 20, or 21, the IDEA defers to state law. In Minnesota, FAPE is available to all persons under the age of 21. The closely related right to FAPE for students with disabilities is expanded under state law to include students from birth until July 1 after the student with a disability turns 21. The expansion does not extend beyond secondary school or its equivalent except as under the state’s graduation incentives program.” Authority: 34 C.F.R. § 300.101(a); 34 C.F.R. § 300.102(a)(1); Minn. Stat. § 120A.20, Subd. 1; Minn. Stat. § 125A.03(b); Minn. Stat. § 124D.68*

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- 4. The student’s parent or guardian request revocation of special education services.
  - a. If a parent withdraws their child from service, no report is needed nor is a meeting required. If a teacher or administrator receives a verbal notice by the parent of their desire to revoke services, the parent will be asked to put the request in writing. If the parent refuses to put the request in writing, an IEP team meeting will be held. The Special Education Director needs to be a part of the IEP meeting.
  - b. If written notice is provided by the parent, the District shall complete a Prior Written Notice and present to the parent.
  - c. The PWN questions will be completed as follows:
    - i. Q1: The District is revoking special education services per parental request.
    - ii. Q2: The parent provided a written request dated xxxx to revoke services
    - iii. Q3: Parent written request
    - iv. Q4: No other options; the district is obligated to discontinue services once a parent provides written notice
    - v. Q5: The student will be treated as a general ed student and will no longer receive specialized instructions or any accommodations that are not provided to other general ed students.

- vi. \*Note: A parent may not pick and choose which service to keep and which to revoke. A revocation of services by parent is a revocation of ALL services.
- 5. The student is 18 years of age or older, is their own guardian, and requests a revocation of special education services.
  - a. A student who is over the age of 18 has the right to withdraw his/herself from special education services. If a teacher or administrator receives a verbal notice from the student of their desire to withdraw from special education services, the student will be asked to put the request in writing. If the student refuses to put the request in writing, an IEP team meeting will be held. The Special Education Director needs to be a part of the IEP meeting.
    - i. The case manager completes a Prior Written Notice as follows:
      1. Q1: The district is ending special education services per student request.
      2. Q2: The student provided a written request dated xxxx to withdraw from service.
      3. Q3: The student's request
      4. Q4: No other options; the district is obligated to discontinue services once a student provides written notice
      5. Q5: The student will be treated as a general ed student and will no longer receive specialized instruction. The student may receive the same general accommodations as provided to any other general ed student.

\*Note: A student may not pick and choose which service to keep and which to revoke. A revocation of services by the student is a revocation of ALL services.

- b. The case manager ensures that all documents are filed in the student's school record. A copy of all documents should be given to the student.

**Clarification: There is no requirement for an evaluation if a student has met goals of a related service provider and no longer has needs. For example, if the student is a student with Autism Spectrum Disorders and has speech needs identified as a related service, if the student meets the goals of that service, they student is exited at the next IEP meeting (or sooner) and no report is needed.**

## MARSS Information

The state of Minnesota uses a student data system called “Minnesota Automated Reporting Student System (MARSS)”. A universal number is assigned to all students as they enter public school in Minnesota and follows the student as they move from school district to school district. It can be helpful to child find teams as they consider how to support students.

It is important for the special education teacher (or coordinator) to alert the MARSS person of changes to a student’s status as timely as possible in the event the student moves during the evaluation process or while in service. Parents may or may not alert the new district of the student having received services; MARSS is another resource that can be used to determine assistance and supports students may need.

Special Education teachers are not responsible for MARSS, but it is helpful for teachers to know the coding system.

*There are five MARSS reporting indicators specific to Special Education Services.*

- Special Education Evaluation Status
- Federal Special Education Setting
- Primary Disability Classification
- Total number of Special Education Service Hours
- Transportation

### Special Education Evaluation Status

1. Not Evaluated, non-disabled, no IEP/IFSP/IIIP regular education only
2. K-12 evaluated, does not need services or EC”: used after a student has been evaluated and doesn’t qualify. It is a way to track students who have previously been considered for special education services, were evaluated but did not qualify.
3. Evaluated-requires services but not yet in a program”: The student has been evaluated, determined to meet eligibility criteria, and is awaiting the development of the Individual Education Plan. If a student new to the District arrives with a “3”, it is important to contact the previous district to obtain records.
4. Evaluated- receiving special education services
5. Evaluated-qualifies for services, parent refused
6. Evaluated-receiving services and receiving services through a public agency: student is receiving special education services at the district and receiving services from another public agency that is listed in the data element section. Example would be the student gets services during the day at school and then after school they go to the county juvenile court for anger management counseling.

When working with other agencies on behalf of a student, use SEES 6. This coordination should also be documented elsewhere, like on an IEP.



7. Student's IEP/IFSP/IIP was terminated during the school year
8. Student in Early Intervening Services
9. Student has active IEP and receiving indirect services only

### Federal Setting

- 00 No IEP/IFSP – all students default to no IEP
- 01 Outside of regular classroom less than 21 percent of the school day
- 02 Resource room between 21% and 60% of the school day
- 03 Separate classroom more than 60% of the school day

There are additional codes of unusual circumstances, and for schools providing care to students Birth - Age 2, and students age 3 - 5. Most charter schools do not report for these age groups.

### Primary Disability Classification

- 00 No IEP/IFSP, non-disabled student
- 01 Speech/Language Impaired
- 02 Developmental Cognitive Disabilities: Mild-Moderate
- 03 Developmental Cognitive Disabilities: Severe-Profound
- 04 Physically Impaired
- 05 Deaf – Hard of Hearing
- 06 Visually Impaired
- 07 Specific Learning Disabilities
- 08 Emotional/Behavioral Disorders (EBD)
- 09 Deaf-Blind
- 10 Other Health Disabilities
- 11 Autism Spectrum Disorder
- 12 Developmental Delay
- 14 Traumatic Brain Injury Disabled
- 16 Severely Multiply Impaired
- 54 504 Plan

### Transportation

There are two transportation codes specific to special bussing. A code for students who are bussed separately because of a transportation need on their IEP. And a code for students who require an adaptive bus due to a physical/mobility disability.

### 03 Disabled

“All students in this category must have a Special Education Evaluation Status equal to 4 or 6 and must receive special transportation or special accommodations, such as an aide on the bus route. There is no minimum distance requirement for students with disabilities. *The special education transportation or special education accommodation **must be written** into the students' IEP/IFSP/IIP to be reported under the category.*”

## 06 Special Transportation

“This category is used for students who have a primary disability 54 ... or homeless flag = Y and are receiving special transportation or special accommodations. Students in this category may have a special education eval status equal to 4 or 6, (special education transportation or accommodations were not written into the students IEP/IFSP/IIP); most students will have the Special Education Evaluation Status of 1.”

## Special Education Service Minutes

In MARSS, the school reports the *total* number of Special Education Service minutes to the state as hours.

- This includes total *direct* and *indirect* service minutes.
- This does *not* include 1:1 Para Services

Example:

Specialized Instruction: Reading

- 5 x a week, 10 indirect 60 direct for one year

Specialized Instruction Mathematics

- 5 x a week, 60 direct minutes for one year

Specialized Instruction: Written Language

- 5 x a week, 10 indirect 20 direct for one year

Occupational Therapy

- 7 times a month, 10 indirect, 30 direct for one year

Occupational Therapy

- 1 time a month, 30 indirect 0 direct for one year

Specialized Instruction: Social Skills Training

- 5 times a week, 5 indirect 10 direct for one year

34 weeks in the school year.

173 days

$$(5 \times 34) = (170 \times 70) = 11,900$$

$$(5 \times 34) = (170 \times 60) = 10,200$$

$$(5 \times 34) = (170 \times 30) = 5,100$$

$$(7 \times 10) = (70 \times 40) = 2,800$$

$$(1 \times 10) = (10 \times 30) = 300$$

$$(5 \times 34) = (170 \times 15) = 2,550$$

$$\text{Total: } 32,850 / 60 = 547.5 \text{ Hours Annually}$$

### Additional Notes

Any time there is a change in student services or status, a new MARSS Record is required. Your MARSS coordinator needs to know the effective date of the service change and the new codes and/or service hours.

Example: Joe was receiving 547.5 hours of service until October 15<sup>th</sup>, then his reevaluation occurred, and he now receives 463 hours of service annually.

Prior service hours must be recalculated for the effective service days. The new service hours must also be calculated annually and then recalculated down for the effective days.

9/4/18-10/15/2018 – 29 days.  $547.2/173 = 3.16$  a day  $\times 29$  days = 91.72 hours

10/15/2019-6/10/2019 – 144 days.  $463/173 = 2.67$   $\times 144 = 385.38$  for the remainder of the year.

# Appendix 1

## Common Special Education Acronyms

<a href="#">ABA</a>	Applied Behavior Analysis
ABS	Academic Behavioral Strategist (teacher license)
ASD	Autism Spectrum Disorder (one of the <a href="#">disability classifications on an IEP</a> )
<a href="#">AT/AAC</a>	Assistive Technology/Augmented Communication
BCBA	Board Certified Behavior Analyst
<a href="#">BIP/PSP/PBSP</a>	Behavior Intervention Plan/Positive Behavior Support Plan
BASC	Behavior Assessment System for Children
COTA	Certified Occupational Therapy Assistant
DAPE	Developmental Adaptive Physical Education
DCD M/M	Developmental Cognitive Delay Mild/Moderate
DCD S/P	Developmental Cognitive Delay Severe/Profound
DD	Developmental Delay (used for ages 3 to 6)
DHH	Deaf and Hard of Hearing
EBD	Emotional Behavioral Disorder
ECSE	Early Childhood Special Education
ELL/ESL	English Language Learner/Second Language
<a href="#">ESR/ER</a>	<a href="#">Evaluation Summary Report</a> or Evaluation Report
<a href="#">ESY</a>	Extended School Year
<a href="#">FAPE</a>	Free and Appropriate Education

<a href="#">FBA</a>	Functional Behavior Assessment
<a href="#">FERPA</a>	Federal Education Records Privacy Act
HIPAA	Health Insurance Portability and Accountability Act (data privacy for health records)
<a href="#">IEE</a>	<a href="#">Independent Education Evaluation</a>
<a href="#">IEP</a>	Individualized Education Plan
<a href="#">LEA</a>	Local Education Agency
<a href="#">LRE</a>	Least Restrictive Environment
MA	Medical Assistance, Medicaid
<a href="#">OCR</a>	Office of Civil Rights
OHI/OHD	Other Health Impaired/Other Health Disabilities (one of the <a href="#">disability classifications on an IEP</a> ) <a href="#">ADHD</a> falls under this
OT	Occupational Therapy/Therapist ( <a href="#">fine motor skills</a> )
PELSB	Professional Educator Licensing and Standards Board
<a href="#">PLAAFP</a>	Present Levels of Academic and Functional Performance
PT	Physical Therapy/Therapist (work on gross motor skills)
<a href="#">PWN</a>	<a href="#">Prior Written Notice</a> - sent before an evaluation (with assessments listed) to get permission to evaluate, and after an IEP to get permission to start the newly written IEP.
<a href="#">RTI/MTSS</a>	Response to Intervention or Multi-Tiered Systems of Support, RTI is NOT special education
SEAC	Special Education Advisory Council
SLD	Specific Learning Disability
SLI	Speech/Language Impaired
SLP	Speech Language Pathologist

TSES	Total Special Education System
VI	Visually Impaired

## Appendix 2

### Referral to Child find

Student:		Enrolled on:	
Submitted By:		Referral on:	
Regular Education Teacher:		Child Study Meeting on:	
Math MAP Scores:	Fall:	Winter:	
R/W MAP Scores:	Fall:	Winter:	
Last MCA Reading Results:	Grade:	Level of Proficiency:	
Last MCA Math Results:	Grade:	Level of Proficiency:	
ACCESS Testing:			
ELL Status:			

Number of Credits Left to Graduate:		Student Age/Grade:	
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**Check area(s) of concern:**

Academic Concern:		Behavioral Concern:		Medical Concern:	
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<b>Summarized Referral Details:</b>
<b>Student's Strengths &amp; Interests:</b>
<b>Intervention(s) Attempted:</b>
<b>Intervention Effectiveness:</b>

If Unsuccessful, Why?

## Appendix 3

### Child Find Data Collection Form

**Student Name:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

**Date of Child Find Referral:** \_\_\_\_\_ **Academic:** ☐ **Behavior:** ☐

**Area(s) of Focus (e.g. reading comprehension, fluency, decoding, word problems, operations, spelling, on-task behavior, appropriate language, etc.)**

**Academic:**

**Behavior:**

**Baseline Information = Current performance level (report data from CBMs, behavior documentation/referrals, or other sources of data)**

**Academic:**

**Interventions and materials used (include frequency and duration of interventions)**

**Academic:**

**Behavior:**

**Progress Monitoring Dates and Data Points (e.g. 10/17, 45 CWPM at 4<sup>th</sup> grade level)**

- |          |           |
|----------|-----------|
| 1. _____ | 13. _____ |
| 2. _____ | 14. _____ |
| 3. _____ | 15. _____ |
| 4. _____ | 16. _____ |

- |           |           |
|-----------|-----------|
| 5. _____  | 17. _____ |
| 6. _____  | 18. _____ |
| 7. _____  | 19. _____ |
| 8. _____  | 20. _____ |
| 9. _____  | 21. _____ |
| 10. _____ | 22. _____ |
| 11. _____ | 23. _____ |
| 12. _____ | 24. _____ |

**Next Steps (e.g. move to special education evaluation, continue interventions, change interventions, exit from child find, etc.):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Appendix 4

### EVALUATION REPORT CHECKLIST

#### Reason for Referral

\_\_\_\_\_ State reason for the assessment (student concerns), indicating that it is an initial or reevaluation

#### Background Information

\_\_\_\_\_ Do a file review by looking through the students cum file that include educational history, schools attended, and attendance record.

\_\_\_\_\_ If they are currently in special education give the date when the initial evaluation took place, the disability category, and what services the child has received each year.

\_\_\_\_\_ Interventions tried and their effectiveness.

#### Parent Information

\_\_\_\_\_ The Home and Family Interview can be sent home or interviewed in person, with interpreter if needed.

#### Educationally Relevant Medical Findings

\_\_\_\_\_ Any diagnoses, health issues including vision and hearing concerns

#### Special Considerations

\_\_\_\_\_ Language, cultural considerations, economic or environmental background.

\_\_\_\_\_ Describe if a student requires special adaptations in the assessment procedures because of their sensory or physical status or if an interpreter was used.

#### Existing Data (header only)

##### Intellectual

\_\_\_\_\_ Intellectual assessment can be review of records or new test including brief description of the test, student's behavior during testing, results, interpretation (including SLD qualification criteria) and summary.

\_\_\_\_\_ Full name of all tests/checklists should be given as well as the date administered and the full name and title of the person who administered it.

\_\_\_\_\_ Psychological processing checklists and/or executive functioning checklists including brief description of checklist, results, interpretation (including SLD qualification criteria) and summary.

##### Academic

\_\_\_\_\_ Academic assessment can be review of records or new test including brief description of test, student's behavior during testing, results, interpretation, and summary.

\_\_\_\_\_ Full name of all tests/checklists should be given as well as the date administered and the full name and title of the person who administered it.

\_\_\_\_\_ Test scores (NWEA, MCA's) and grades should be included.

\_\_\_\_\_ Informal assessments such as curriculum tests and checklist and/or teacher checklists can also be used.

\_\_\_\_\_ Compare intellectual to academic to determine SLD qualification.

\_\_\_\_\_ If an observation is needed in this area, it should include data (% compared to peers, intensity, frequency, duration).

### Communication

\_\_\_\_\_ This area is usually address by a Speech and Language clinician. They look at articulation, fluency, language expression and receptive language.

\_\_\_\_\_ Communication assessment can be review of records or new test including brief description of test, student's behavior during testing, results, interpretation, and summary.

\_\_\_\_\_ Full name of all tests/checklists should be given as well as the date administered and the full name and title of the person who administered it.

\_\_\_\_\_ If there are not concerns in this area and it was not assessed, provide a statement to that effect.

### Motor

\_\_\_\_\_ This area includes gross and fine motor information. This may be an evaluation from an Occupational therapist or an Adaptive Physical Education Teacher. The physical education teacher can provide informal information on the student's current gross motor status and the general education teacher may provide an informal report on fine motor skills in the area of handwriting/ cutting skills.

\_\_\_\_\_ This is the area where any Sensory Integration testing by an OT would be included.

\_\_\_\_\_ Motor assessment can be review of records or new test including brief description of test, student's behavior during testing, results, interpretation, and summary.

\_\_\_\_\_ Full name of all tests/checklists should be given as well as the date administered and the full name and title of the person who administered it.

\_\_\_\_\_ If there are not concerns in this area and it was not assessed, provide a statement to that effect.

### Health/Physical Status/Sensory



\_\_\_\_\_ This is an overall statement of the student's current health.

\_\_\_\_\_ List any medication the student is taking or any allergies.

\_\_\_\_\_ If there are no concerns it should be stated.

\_\_\_\_\_ The Sensory Status area is the current information of the students hearing and vision from parent, doctor, or school nurse.

### Social/Emotional/Behavioral

\_\_\_\_\_ Social, emotional, and behavioral assessment can be review of records or new test including brief description of checklist, results, interpretation, and summary.

\_\_\_\_\_ Full name of all tests/checklists should be given as well as the date administered and the full name and title of the person who administered it.

\_\_\_\_\_ Behavior rating scales completed by parent, teacher, and student (if age appropriate)

\_\_\_\_\_ Functional Behavior Assessment with 3 observations

\_\_\_\_\_ Mental Health Screening

\_\_\_\_\_ If an observation is needed in this area, it should include data (% compared to peers, intensity, frequency, duration).

\_\_\_\_\_ If this area was not assessed a short statement can be made as to the general nature of the student that includes peer/adult relationships, distractibility, attention span, impulsivity, withdrawal, mental health, compliance to classroom expectations, self-esteem, etc.

### Functional Skills

\_\_\_\_\_ Full name of all checklists should be given as well as the date administered and the full name and title of the person who administered it.

\_\_\_\_\_ Functional/adaptive skills assessment addresses study skills, work habits, personal independence, following routines, etc. and can be review of records or new test including brief description of test, results, interpretation, and summary.

\_\_\_\_\_ If an observation is needed in this area, it should include data (% compared to peers, intensity, frequency, duration).

\_\_\_\_\_ If there are not concerns in this area and it was not assessed, provide a statement to that effect.

### Transition

\_\_\_\_\_ Based on age – appropriate transition assessments related to training, education, employment, and independent living.

\_\_\_\_\_ Provide an overview of student strengths and areas of need in each of the transition areas; Employment, Further education /Training, Daily Living, Leisure Activities, Community Participation, Health, Self-Determination, Communication, Interpersonal Relationships.

\_\_\_\_\_ Must include gathering information from more than one source, so interviewing only the student is not enough.

\_\_\_\_\_ Teams must compile information both formally and informally and are required to have information from **two** different assessments.

\_\_\_\_\_ Cannot be a separate undertaking.

### Summary

\_\_\_\_\_ Every area that was assessed must be included in the summary section. This summary should a briefer summary of all information in each section that drives the present levels and the needs.

### Special Education Needs and Adaptations (header only)

#### Special Education Needs

\_\_\_\_\_ Each area of need should be stated here and will become a goal in the IEP.

#### Adaptations/Modifications

\_\_\_\_\_ Each person that was a part of the evaluation should contribute to this area.

\_\_\_\_\_ Adaptations should match the IEP and be related to the area of the deficit and should be how the student will be able to access general ed curriculum

\_\_\_\_\_ If a disability was not found this area can also be addressed with ideas for the classroom teacher may provide or be aware of.

### Eligibility Determination

\_\_\_\_\_ Make a statement of how the determination was made.

\_\_\_\_\_ State if there is a need for special education or not and any related service and if this is a continued need.

### Primary Disability and Team Membership

\_\_\_\_\_ Be sure to have all team members sign this page.

\_\_\_\_\_ The signed hard copy must be in the student cum file.

## Appendix 5

### Emotional/Behavioral Disorders

Emotional or Behavioral Disorders (E/BD) category means an established pattern of one or more of the following emotional or behavioral responses: A) withdrawal or anxiety, depression, problems with mood, or feelings of self-worth; B) disordered thought processes with unusual behavior patterns and atypical communication styles; or C) aggression, hyperactivity, or impulsivity. Medical, biological, and psychological conditions as well as genetic dispositions can affect these students' ability to learn and function in school.

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	Individually administered, nationally normed, standardized evaluation test <b>is required</b> (e.g. WISC/WAIS, UNIT, Kaufmann) Given by School Psych	Retesting is not required for EBD reevaluation determination; however, a review of previous results must be completed
Academic Performance	<p><b><u>Standardized Testing:</u></b> Individually administered, nationally normed, standard evaluation test <b>is required</b> (e.g. WJ Achievement, WIAT)</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is required</b>. Examples of data that should be reviewed include:            *cum file, special ed file            *Current grades            *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)            *Documentation of academic progress            *Attendance            *Discipline record/history of behavior            *Previous referrals to sped            *Prior interventions and results</p>	<p><b><u>Standardized Testing:</u></b> Retesting is NOT required if there are no concerns OR if we have sufficient data on academic performance via the record review.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is required</b>. Examples of data that should be reviewed include:            *cum file, special ed file            *Current grades            *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)            *Documentation of academic progress            *Attendance            *Discipline record/history of behavior            *Previous referrals to sped            *Prior interventions and results</p>
Communication	<b>NOT</b> required for EBD eligibility determination. Address if there are individual student concerns	<b>NOT</b> required for EBD eligibility determination. Address if there are individual student concerns
Social/Emotional/Behavioral Skills	<b><u>Interviews:</u></b> Systematic interviews with teachers(s), student, and parent/guardian <b>are required</b> (total of 3 interviews, minimum). Interviews should focus on how the student's behavioral pattern affects education performance, including interpersonal relations, academic proficiency, vocational skills, and/or social skills.	<p><b><u>Interviews:</u></b> Systematic interviews with teachers(s), student, and parent/guardian <b>are required</b> (total of 3 interviews, minimum). Interviews should focus on how the student's behavioral pattern affects education performance, including interpersonal relations, academic proficiency, vocational skills, and/or social skills.</p> <p><b><u>Observations:</u></b> At least 3 systematic observations in the classroom or other learning environments <b>are required</b>.</p>

	<p><b><u>Observations:</u></b> At least 3 systematic observations in the classroom or other learning environments <b>are required</b>. Observations should be in areas where behaviors are occurring and should focus on how the student's behavioral pattern is affecting educational performance.</p> <p><b><u>Checklists:</u></b> Standardized, nationally normed behavior ratings scales (e.g. BASC, Achenbach Child Behavior Checklist, Connors) <b>are required</b>.</p>	<p>Observations should be in areas where behaviors are occurring and should focus on how the student's behavioral pattern is affecting educational performance.</p> <p><b><u>Checklists:</u></b> Retesting with standardized, nationally normed behavior ratings scales <b>are not required</b> for eligibility determination, however, a review of previous results must be completed and included in Evaluation Report.</p>
Health/Physical Status	<p><b><u>Medical Record Review:</u></b> A review of the student's health record <b>is required</b>. This can be done through parent interview, review of medical information, review of school nurses' records, review of individual health plans, and/or cum file review</p>	<p><b><u>Medical Record Review:</u></b> A review of the student's health record <b>is required</b>. This can be done through parent interview, review of medical information, review of school nurses' records, review of individual health plans, and/or cum file review</p>
Sensory Status	<p>A review and/or update of the students hearing, and vision screening <b>is required</b>.</p>	<p>A review and/or update of the students hearing, and vision screening <b>is required</b>.</p>
Transition	<p>Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).</p>	<p>Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)</p>
Motor Ability	<p><b>NOT</b> required for eligibility; address if there are specific concerns.</p>	<p><b>NOT</b> required for eligibility; address if there are specific concerns.</p>

**Additional Notes:**

***A Mental Health Screening IS*** required for initial and reevaluation. A mental health screening can be written by the team using all the assessment data collected as part of the initial EBD evaluation. If the team feels additional information is needed to write a comprehensive mental health screening, those sources of data should be added to the evaluation plan in the S/E/B area.

***A Functional Behavioral Assessment (FBA)*** is also required. This can also be written by the team using all the assessment data collected as part of the initial EBD evaluation. If the team feels additional information is needed to write a comprehensive FBA, those sources of data should be added to the evaluation plan.

**\*\***Any existing data from outside agencies must be considered and included in the Evaluation Report.

**\*\***If the team feels no additional assessments are needed, the team can designate such and review existing information in the development of the Evaluation Report

**\*\***Children not yet enrolled in kindergarten are eligible for special education and related services if they meet these criteria. The evaluation process must show developmentally significant impairments in self-care, social relations, or social or emotional growth, and must include data from each of the following areas: two or more systematic observations, including one in the home; a case history, including medical, cultural, and developmental information; information on the pupil's cognitive ability, social skills, and communication abilities; standardized and informal interviews, including teacher, parent, caregiver, and child care provider; and standardized adaptive behavior scales.

## Developmental Cognitive Disabilities (DCD)

Developmental Cognitive Disabilities means a condition resulting in significantly below average intellectual functioning and concurrent deficits in adaptive behavior that adversely affects the educational performance and requires special education and related services. DCD does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury (TBI), autism, severe multiple impairments, cultural influences, or inconsistent educational programming.

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<p><b><u>Standardized Testing:</u></b> Individually administered, nationally normed, standardized evaluation test <b>is required</b> (e.g. WISC/WAIS, UNIT, Kaufmann) Given by School Psych</p> <p><b><u>Observation:</u></b> 2 systematic observations <b>are required</b>, which must focus on verification of the student's intellectual functioning.</p> <p><b><u>Record Review:</u></b> A review of the student's history <b>is required</b>. The focus of the file review is to verify the student's intellectual functioning. Information which <b>must</b> be reviewed:  **Cum file  **Medical file</p>	<p><b><u>Standardized Testing:</u></b> A standardized cognitive test <b>does not need</b> to be re-administered unless the team feels needed. Team must address the student's intellectual functioning. Previous results must be reviewed and reported in Evaluation Report.</p> <p><b><u>Supporting Data:</u></b> For reevaluation, the team must verify the student demonstrates significantly below average general intellectual functioning. Best practice includes:  *At least 2 systematic observations in the learning environment  *Record review of educational and medical file(s)</p>
Academic Performance	<p><b><u>Standardized Testing:</u></b> <b>Is not required</b> Individually administered, nationally normed, standard evaluation test (e.g. WJ Achievement, WIAT) may be administered if student concern.</p> <p><b><u>Record Review:</u></b> Best practice includes gathering data regarding the student's current academic skills and performance at school. Examples of data that could be reviewed include:  *cum file, special ed file  *Current grades  *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)  *Documentation of academic progress  *Attendance  *Discipline record/history of behavior  *Previous referrals to sped  *Prior interventions and results</p>	<p><b><u>Standardized Testing:</u></b> <b>Is not required</b> Individually administered, nationally normed, standard evaluation test (e.g. WJ Achievement, WIAT) may be administered if student concern.</p> <p><b><u>Record Review:</u></b> Best practice includes gathering data regarding the student's current academic skills and performance at school. Examples of data that could be reviewed include:  *cum file, special ed file  *Current grades  *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)  *Documentation of academic progress  *Attendance  *Discipline record/history of behavior  *Previous referrals to sped  *Prior interventions and results</p>
Communication	<b>NOT</b> required for DCD eligibility determination. Address if there are individual student concerns	<b>NOT</b> required for DCD eligibility determination. Address if there are individual student concerns

Social/Emotional/Behavioral Skills	<b>NOT</b> required for DCD eligibility determination. Address if there are individual student concerns	<b>NOT</b> required for DCD eligibility determination. Address if there are individual student concerns
Functional Skills	<p><b><u>Standardized Tests:</u></b> is required. A nationally normed, technically adequate measure of adaptive behavior must be completed (e.g. Vineland, ABAS)</p> <p><b><u>Observation:</u></b> At least 1 systematic observation <b>is required</b> which focuses on documenting needs and the student's level of support in each of seven (7) domains of adaptive functioning: daily living and independent living skills, social and interpersonal skills, communication skills, academic skills, recreation and leisure skills, community participation skills, and work and work-related skills.</p> <p><b><u>Interview:</u></b> Parent input <b>MUST</b> be included in determining the student's adaptive functioning and required support in each of the 7 domains noted. School staff may also be interviewed.</p>	<p><b><u>Standardized Tests:</u></b> <b>NOT required</b> for reevaluation. However, the team <b>MUST</b> address the student's functional skills. One way to do so is to review the previous results.</p> <p><b><u>Supporting Data:</u></b> For reevaluation, the team <b>MUST</b> verify the student demonstrates significantly below average adaptive behavior, the student's adaptive behavior needs, and the required levels of support. Best practice includes:          *Systematic observations in the learning environment which documents adaptive behavior needs and levels of support in that learning environment          *Interview with Parent          *Interview with school staff</p>
Sensory Status	A review and/or update of the students hearing, and vision screening <b>is not required but is best practice.</b>	A review and/or update of the students hearing, and vision screening <b>is not required but is best practice.</b>
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b>NOT</b> required for eligibility; address if there are specific concerns.	<b>NOT</b> required for eligibility; address if there are specific concerns.

For both initial and reevaluation, the eligibility determination must be supported by either current or existing data from all the identified areas above. If the team has existing data from outside agencies, the team must consider the data as to relevance with student's current skills.

## Specific Learning Disability (SLD)

A "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The disorder is: A) manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the child does not learn at an adequate rate for the child's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment; and B) demonstrated primarily in academic functioning, but may also affect other developmental, functional, and life adjustment skill areas; and may occur with, but cannot be primarily the result of: visual, hearing, or motor impairment; cognitive impairment; emotional disorders; or environmental, cultural, economic influences, limited English proficiency or a lack of appropriate instruction in reading or math.

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	Individually administered, nationally normed, standardized evaluation test <b>is required</b> (e.g. WISC/WAIS, UNIT, Kaufmann) Given by School Psych  Identification of a disorder in one or more of the basic psychological processes which includes an Information Processing condition	Retesting is not required for reevaluation determination; however, a review of previous results must be completed including addressing of the basic psychological process.
Academic Performance	<b><u>Standardized Testing:</u></b> Individually administered, nationally normed, standard evaluation test <b>is required</b> (e.g. WJ Achievement, WIAT)  <b><u>Record Review:</u></b> Review of student's educational record <b>is required</b> . Examples of data that should be reviewed include: *cum file, special ed file *Current grades *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB) *Class work samples *Anecdotal teacher records *Curriculum based evaluation results *Prior interventions and results  <b><u>Observation:</u></b> At least 1 systematic observation <b>is required*</b> in the student's learning environment, including the regular education classroom, which focuses on documenting the student's performance in routine classroom instruction.  MUST document the student does not achieve adequately to appropriate classroom instruction in one or more	<b><u>Standardized Testing:</u></b> Retesting is NOT required if there are no concerns OR if we have sufficient data on academic performance via the record review.  <b><u>Record Review:</u></b> Review of student's educational record <b>is required</b> . Examples of data that should be reviewed include: *cum file, special ed file *Current grades *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB) *Class work samples *Anecdotal teacher records *Curriculum based evaluation results *Prior interventions and results  <b><u>Observation:</u></b> At least 1 systematic observation <b>is required*</b> in the student's learning environment, including the regular education classroom, which focuses on documenting the student's performance in routine classroom instruction.  MUST document the student does not achieve adequately to appropriate



	of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation, mathematical problem solving	classroom instruction in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation, mathematical problem solving
Communication	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns
Social/Emotional/Behavioral Skills	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning or utilizing other standardized measures as outlined for EBD determination	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning or utilizing other standardized measures as outlined for EBD determination
Health/Physical Status	<b><u>Medical Record Review:</u></b> A review of the student's health record <b>is required.</b> This can be done through parent interview, review of medical information, review of school nurses' records, review of individual health plans, and/or cum file review	<b><u>Medical Record Review:</u></b> A review of the student's health record <b>is required.</b> This can be done through parent interview, review of medical information, review of school nurses' records, review of individual health plans, and/or cum file review
Sensory Status	A review and/or update of the students hearing, and vision screening <b>is not required but is best practice.</b>	A review and/or update of the students hearing, and vision screening <b>is not required but is best practice.</b>
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b>NOT</b> required for eligibility; address if there are specific concerns.	<b>NOT</b> required for eligibility; address if there are specific concerns.

For both initial and reevaluation, the eligibility determination must be supported by either current or existing data from all the identified areas above. If the team has existing data from outside agencies, the team must consider the data as to relevance with student's current skills.

Minnesota Rule still allows for school districts to use the discrepancy model or a MTSS (Multi-tiered System of Support, also known as Response to Intervention [RtI]) to determine eligibility. The school district's TSES will delineate which method is being used.

**\*At least 1 systematic observation...** MN Rule 3525.1341 notes, "... an observation of the child in the child's learning environment, including the regular classroom setting, that documents the child's academic performance and behavior in the areas of difficulty." If the student has difficulty in more than one academic area, there will need to be an observation in each of those academic areas.

## Other Health Disabilities (OHD)

"Other health disability" means having limited strength, endurance, vitality, or alertness, including a heightened or diminished alertness to environmental stimuli, with respect to the educational environment that is due to a broad range of medically diagnosed chronic or acute health conditions that adversely affect a pupil's educational performance.

*Determination of eligibility MUST BE made by a multidisciplinary team, one of whom will typically be a teacher licensed in Physical and Other Health Disabilities.*

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.
Academic Performance	<p><b><u>Standardized Testing:</u></b> Individually administered, nationally normed, standard evaluation test <b>is required</b> (e.g. WJ Achievement, WIAT)</p> <p><b><u>Interview:</u></b> Systematic interviews with the classroom teacher and parent/guardian <b>are required</b>. Interviews must be completed by a licensed special education teacher. Interviews should focus on how the student's health condition impacts educational performance.</p> <p><b><u>Observation:</u></b> At least 1 systematic observation <b>is required</b> in the student's learning environment, including the regular education classroom, which focuses on documenting the student's health condition on their ability to complete educational tasks routine classroom instruction and timelines. At least one observation must be completed by licensed special education teacher.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is required</b>. Examples of data that should be reviewed include:            *cum file, special ed file            *Current grades            *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)            *Class work samples            *Anecdotal teacher records            *Curriculum based evaluation results            *Prior interventions and results</p>	<p><b><u>Standardized Testing:</u></b> Retesting is <b>NOT</b> required if there are no concerns OR if we have sufficient data on academic performance via the record review.</p> <p><b><u>Interview:</u></b> Systematic interviews with the classroom teacher and parent/guardian <b>are required</b>. Interviews must be completed by a licensed special education teacher. Interviews should focus on how the student's health condition impacts educational performance.</p> <p><b><u>Observation:</u></b> At least 1 systematic observation <b>is required</b> in the student's learning environment, including the regular education classroom, which focuses on documenting the student's health condition on their ability to complete educational tasks routine classroom instruction and timelines. At least one observation must be completed by licensed special education teacher.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is required</b>. Examples of data that should be reviewed include:            *cum file, special ed file            *Current grades            *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)            *Class work samples            *Anecdotal teacher records            *Curriculum based evaluation results            *Prior interventions and results</p>

Communication	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns
Social/Emotional/Behavioral Skills	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning or consider standardized rating scales to determine the impact of the student health condition on educational progress (e.g. attention, organizational skills, etc.)	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning or consider standardized rating scales to determine the impact of the student health condition on educational progress (e.g. attention, organizational skills, etc.)
Functional Skills	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns.	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns.
Health/Physical Status	<p><b><u>Medical Diagnosis:</u></b> MUST have documentation of medical diagnosis from medical professional. For initial evaluation, documentation must be dated with the past 12 months. Consult the MN OHD criteria for documentation form and qualifications of medical professional. (NOTE: “medical professional” may now include M.D., D.O., APRN (Advanced Practice Registered Nurse) or PA (Physician Assistant).</p> <p><b><u>Medical Record Review:</u></b> A review of the student’s health record <b>is required</b>. This can be done through parent interview, review of medical information, review of school nurses’ records, review of individual health plans, and/or cum file review</p>	<p><b><u>Medical Diagnosis:</u></b> MUST have documentation of medical diagnosis from medical professional. For initial evaluation, documentation must be dated with the past 12 months. Consult the MN OHD criteria for documentation form and qualifications of medical professional.</p> <p><b><u>Medical Record Review:</u></b> A review of the student’s health record <b>is required</b>. This can be done through parent interview, review of medical information, review of school nurses’ records, review of individual health plans, and/or cum file review</p>
Sensory Status	A review and/or update of the students hearing and vision screening. Additional sensory information <b>is not required</b> .	A review and/or update of the students hearing and vision screening. Additional sensory information <b>is not required</b> .
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b>NOT</b> required for eligibility; address if there are specific concerns.	<b>NOT</b> required for eligibility; address if there are specific concerns.

For both initial and reevaluation, the eligibility determination must be supported by either current or existing data from all the identified areas above. If the team has existing data from outside agencies, the team must consider the data as to relevance with student’s current skills.

## Autism Spectrum Disorders (ASD)

"Autism spectrum disorders (ASD)" means a range of pervasive developmental disorders, with onset in childhood, that adversely affect a pupil's functioning and result in the need for special education instruction and related services. ASD is a disability category characterized by an uneven developmental profile and a pattern of qualitative impairments in several areas of development, including social interaction, communication, or the presence of restricted, repetitive, and stereotyped patterns of behavior, interests, and activities. These core features may present themselves in a wide variety of combinations that range from mild to severe, and the number of behavioral indicators present may vary. ASD may include Autistic Disorder, Childhood Autism, Atypical Autism, Pervasive Developmental Disorder Not Otherwise Specified, Asperger's Disorder, or other related pervasive developmental disorders.

*Determination must be made by a multidisciplinary team which includes at least one professional with experience and expertise in ASD. The team must include a school official knowledgeable of the range of possible special education eligibility criteria.*

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.
Academic Performance	<p><b><u>Standardized Testing:</u> is not required.</b> Address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is required.</b> Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</li> <li>*Class work samples</li> <li>*Anecdotal teacher records</li> <li>*Curriculum based evaluation results</li> <li>*Prior interventions and results</li> </ul>	<p><b><u>Standardized Testing:</u> is not required.</b> Address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is required.</b> Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</li> <li>*Class work samples</li> <li>*Anecdotal teacher records</li> <li>*Curriculum based evaluation results</li> <li>*Prior interventions and results</li> </ul>
Communication	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. However, criteria for ASD involves determining if the student has qualitative impairments in communication skills. Measures of pragmatic communication skills are often helpful for an ASD evaluation. A Speech/Language Pathologist or ASD licensed teacher can provide guidance on instruments to use.</p>	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. However, criteria for ASD involves determining if the student has qualitative impairments in communication skills. Measures of pragmatic communication skills are often helpful for an ASD evaluation. A Speech/Language Pathologist or ASD licensed teacher can provide guidance on instruments to use.</p>
Social/Emotional/Behavioral Skills	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning or consider standardized rating scales to determine the atypical behavioral indicators of ASD.</p>	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning or consider standardized rating scales to determine the atypical behavioral indicators of ASD.</p>

	<p><b><u>Observation:</u></b> Observation of the student in two (2) different settings on two (2) different days <b>IS required.</b> The focus is on the behavioral indicators in the core areas of ASD (social interaction, communication, and restricted, repetitive, or stereotyped patterns of behavior, interests of activities) and the possible educational needs in each of the core areas.</p> <p><b><u>Interview:</u></b> A historical summary of the student's developmental and behavior patterns <b>IS required.</b> Best practice is to gather this information via parent interview.</p>	<p><b><u>Observation:</u></b> Observation of the student in two (2) different settings on two (2) different days <b>IS required.</b> The focus is on the behavioral indicators in the core areas of ASD (social interaction, communication, and restricted, repetitive, or stereotyped patterns of behavior, interests of activities) and the possible educational needs in each of the core areas.</p> <p><b><u>Interview:</u></b> A historical summary of the student's developmental and behavior patterns <b>IS required.</b> Best practice is to gather this information via parent interview.</p>
Functional Skills	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns.	<b>NOT</b> required for eligibility determination. Address if there are individual student concerns.
Health/Physical Status	<b>NOT</b> required for eligibility determination.	<b>NOT</b> required for eligibility determination.
Sensory Status	<p>A review and/or update of the students hearing and vision screening.</p> <p>Additional sensory information <b>is not required</b> but many children on the Autism Spectrum have sensory concerns and should be addressed on an individual student basis. Checklists and profiles are instruments that can be considered. An Occupational Therapists or the ASD teacher can guide the team in deciding the appropriate instrument.</p>	<p>A review and/or update of the students hearing and vision screening.</p> <p>Additional sensory information <b>is not required</b> but many children on the Autism Spectrum have sensory concerns and should be addressed on an individual student basis. Checklists and profiles are instruments that can be considered. An Occupational Therapists or the ASD teacher can guide the team in deciding the appropriate instrument.</p> <p>If the team does not complete a formal assessment, a review of previous results <b>MUST</b> be included.</p>
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b>NOT</b> required for eligibility; address if there are specific concerns.	<b>NOT</b> required for eligibility; address if there are specific concerns.

Pupils with various educational profiles and related clinical diagnoses may meet the criteria for ASD. However, a clinical or medical diagnosis is not required for a pupil to be eligible for special education services, and even with a clinical or medical diagnosis, a pupil must meet educational criteria to be eligible.

For both initial and reevaluation, the eligibility determination must be supported by either current or existing data from all the identified areas above. If the team has existing data from outside agencies, the team must consider the data as to relevance with student's current skills.

\*\*The Evaluation Plan must include at least two (2) of the following tools or methods: 1) structured interview with parent; 2) Autism checklists; 3) communication rating scales; 4) developmental rating scales; 5) functional behavior assessments; 6) application of diagnostic criteria from the current Diagnostic and Statistical Manual (DSM); 7) informal and standardized evaluation instruments; 8) intellectual testing

## Deaf and Hard of Hearing (D/HH)

"Deaf and hard of hearing" means a diminished sensitivity to sound, or hearing loss, that is expressed in terms of standard audiological measures.

Hearing loss has the potential to affect educational, communicative, or social functioning that may result in the need for special education instruction and related services.

*NOTE: If a hearing loss is suspected, it is best practice to involve a licensed D/HH teacher at the outset of the evaluation planning to ensure all components are addressed appropriately.*

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.
Academic Performance	<p><b><u>Standardized Testing:</u> is not required if the student needs to consistently use amplification appropriately in educational settings as determined by audiological measures and systematic observation data.</b> If the student does not need consistent amplification, an Achievement test is needed to meet criteria. Additionally, the team may address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is not required but would be helpful to the team.</b> Examples of data that should be reviewed include:            *cum file, special ed file            *Current grades            *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)            *Class work samples            *Anecdotal teacher records            *Curriculum based evaluation results            *Prior interventions and results</p>	<p><b><u>Standardized Testing:</u> is not required.</b> Address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is not required but would be helpful to the team.</b> Examples of data that should be reviewed include:            *cum file, special ed file            *Current grades            *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)            *Class work samples            *Anecdotal teacher records            *Curriculum based evaluation results            *Prior interventions and results</p>
Communication	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. However, how the student's hearing loss impacts the student's use or understanding of spoken English must be systematically observed (by a D/HH teacher)</p> <p>OR</p> <p>The use of American Sign Language (ASL) or one or more alternative or augmentative systems of communication, alone or in combination with oral language as documented by parent or teacher reports and language sampling</p>	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. However, criteria for D/HH requires the team to review either the impact of the hearing loss on understanding or using spoken English or the review of ASL.</p>

	conducted by a professional with knowledge in the area of communication with persons who are deaf or hard of hearing.	
Social/Emotional/Behavioral Skills	<p><b><u>Standardized Testing:</u></b> NOT required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning.</p> <p><b><u>Interview:</u></b> A historical summary of the student's developmental and behavior patterns <b>IS required</b>. Best practice is to gather this information via parent interview.</p>	<p><b><u>Standardized Testing:</u></b> NOT required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning.</p> <p><b><u>Interview:</u></b> A historical summary of the student's developmental and behavior patterns <b>IS required</b>. Best practice is to gather this information via parent interview.</p>
Functional Skills/Adaptive Behavior	<p><b><u>Required for eligibility determination.</u></b> Address how the student's hearing loss affects the adaptive behavior required for age-appropriate social functioning as supported by documented systematic observation within the student's primary learning environments by a licensed professional (D/HH) and the student, when appropriate.</p> <p>AND</p> <p>complete a standardized scale of social skill development to determine if there are below average scores of same-aged peers</p>	<p><b><u>For eligibility determination</u></b> team must address how the student's hearing loss affects the adaptive behavior required for age-appropriate social functioning as supported by documented systematic observation within the student's primary learning environments by a licensed professional (D/HH) and the student, when appropriate;</p> <p>But does not need to complete a standardized scale of social skill development to determine if there are below average scores of same-aged peers</p>
Health/Physical Status	NOT required for eligibility determination.	NOT required for eligibility determination.
Sensory Status	<p><b><u>REQUIRED: Audiological documentation provided by a certified audiologist within the last 12 months.</u></b> Documentation must show a sensorineural hearing loss or a conductive hearing loss or a unilateral sensorineural or persistent conductive loss or a sensorineural loss unaided.</p> <p>Systematic observation of the student in the educational setting using amplification consistently.</p>	<p><b><u>REQUIRED: Audiological documentation provided by a certified audiologist within the last 12 months.</u></b> Documentation must show a sensorineural hearing loss or a conductive hearing loss or a unilateral sensorineural or persistent conductive loss or a sensorineural loss unaided.</p> <p>Systematic observation of the student in the educational setting using amplification consistently.</p>
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	NOT required for eligibility; address if there are specific concerns.	NOT required for eligibility; address if there are specific concerns.



## Severely Multiply Impaired (SMI)

Students with severe multiple impairment (SMI) meet the criteria for two or more of six categorical areas: deaf or hard of hearing (D/HH), physically impaired (PI), developmental cognitive disability (severe/profound) (DCD: S/P), visually impaired (VI), emotional or behavioral disorders (EBD) and autism spectrum disorders (ASD).

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<p><b>Required</b> for eligibility determination if considering EBD and/or DCD:</p> <p>EBD: Individually administered, nationally normed, standardized evaluation test (e.g. WISC/WAIS, UNIT, Kaufmann) Given by School Psych.</p> <p>DCD: <b><u>Standardized Testing:</u></b> Individually administered, nationally normed, standardized evaluation test (e.g. WISC-IV, UNIT, Kaufmann) Given by School Psych</p> <p><b><u>Observation:</u></b> 2 systematic observations <b>are required</b>, which must focus on verification of the student's intellectual functioning.</p> <p><b><u>Record Review:</u></b> A review of the student's history <b>is required</b>. The focus of the file review is to verify the student's intellectual functioning. Information which <b>must</b> be reviewed:</p> <ul style="list-style-type: none"> <li>**Cum file</li> <li>**Medical file</li> </ul> <p>For other disabilities (D/HH, PI, VI, or ASD) address if there are individual student concerns.</p>	<p><b>NOT required</b> for eligibility determination. Address if there are individual student concerns.</p>
Academic Performance	<p><b><u>Standardized Testing is required for EBD and/or D/HH (if not in need of consistent amplification):</u></b> Individually administered, nationally normed, standard evaluation test <b>is required</b> (e.g. WJ Achievement, WIAT)</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is required</b>. Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</li> <li>*Documentation of academic progress</li> </ul>	<p><b><u>Standardized Testing:</u> is not required.</b> Address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>is not required but would be helpful to the team</b>. Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</li> <li>*Class work samples</li> <li>*Anecdotal teacher records</li> <li>*Curriculum based evaluation results</li> <li>*Prior interventions and results</li> </ul>

	<p>*Attendance          *Discipline record/history of behavior          *Previous referrals to sped          *Prior interventions and results</p>	
Communication	<p><b><u>Standardized Testing:</u></b> NOT required for eligibility determination unless D/HH involved.</p> <p>ASD: While not required for eligibility determination, criteria for ASD involves determining if the student has qualitative impairments in communication skills. Measures of pragmatic communication skills are often helpful for an ASD evaluation. A Speech/Language Pathologist or ASD licensed teacher can provide guidance on instruments to use.</p>	<p><b><u>Standardized Testing:</u></b> NOT required for eligibility determination. However, criteria for D/HH requires the team to review either the impact of the hearing loss on understanding or using spoken English or the review of ASL.</p>
Social/Emotional/Behavioral Skills	<p><b><u>Standardized Testing:</u></b> Required for EBD:</p> <ol style="list-style-type: none"> <li>1. <b><u>Checklists:</u></b> Standardized, nationally normed behavior ratings scales <b>are required</b>.</li> <li>2. <b><u>Interviews:</u></b> Systematic interviews with teachers(s), student, and parent/guardian <b>are required</b> (total of 3 interviews, minimum). Interviews should focus on how the student's behavioral pattern affects education performance, including interpersonal relations, academic proficiency, vocational skills, and/or social skills.</li> <li>3. <b><u>Observations:</u></b> At least 3 systematic observations in the classroom or other learning environments <b>are required</b>. Observations should be in areas where behaviors are occurring and should focus on how the student's behavioral pattern is affecting educational performance.</li> </ol> <p>All other disabilities require observations (2 or 3) and a parental interview that will provide a historical summary of the student's developmental and behavior patterns.</p> <p>FBA required if student is exhibiting behaviors interfering with learning.</p>	<p><b><u>Standardized Testing:</u></b> NOT required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning.</p> <p><b><u>Interview:</u></b> A historical summary of the student's developmental and behavior patterns <b>IS required</b>. Best practice is to gather this information via parent interview.</p>
Functional Skills/Adaptive Behavior	<p><b><u>Required for eligibility determination for D/HH and/or DCD.</u></b></p> <p>D/HH: Address how the student's hearing loss affects the adaptive behavior required for age-appropriate social functioning as supported by</p>	<p><b><u>For D/HH reevaluation</u></b> team must address how the student's hearing loss affects the adaptive behavior required for age-appropriate social functioning as supported by documented systematic observation within the student's primary learning</p>

	<p>documented systematic observation within the student's primary learning environments by a licensed professional (D/HH) and the student, when appropriate and complete a standardized scale of social skill development to determine if there are below average scores of same-aged peers.</p> <p>DCD: <b><u>Standardized Tests</u>: is required.</b> A nationally normed, technically adequate measure of adaptive behavior must be completed (e.g. Vineland, ABAS)</p> <p><b><u>Observation</u>:</b> At least 1 systematic observation <b>is required</b> which focuses on documenting needs and the student's level of support in each of seven (7) domains of adaptive functioning: daily living and independent living skills, social and interpersonal skills, communication skills, academic skills, recreation and leisure skills, community participation skills, and work and work-related skills.</p> <p><b><u>Interview</u>:</b> Parent input <b>MUST</b> be included about the student's adaptive functioning and required support in each of the 7 domains noted. School staff may also be interviewed.</p>	<p>environments by a licensed professional (D/HH) and the student, when appropriate; But does not need to complete a standardized scale of social skill development to determine if there are below average scores of same-aged peers</p> <p>DCD: <b><u>Standardized Tests</u> NOT required</b> for reevaluation. However, the team <b>MUST</b> address the student's functional skills. One way to do so is to review the previous results.</p> <p><b><u>Supporting Data</u>:</b> For reevaluation, the team <b>MUST</b> verify the student demonstrates significantly below average adaptive behavior, the student's adaptive behavior needs, and the required levels of support. Best practice includes:          *Systematic observations in the learning environment which documents adaptive behavior needs and levels of support in the learning environment          *Interview with Parent          *Interview with school staff</p>
Health/Physical Status	<b>NOT</b> required for eligibility determination.	<b>NOT</b> required for eligibility determination.
Sensory Status	<p><b>REQUIRED for D/HH:</b>  <b><u>Audiological documentation provided by a certified audiologist within the last 12 months.</u></b>            Documentation must show a sensorineural hearing loss or a conductive hearing loss or a unilateral sensorineural or persistent conductive loss or a sensorineural loss unaided.</p> <p>Systematic observation of the student in the educational setting using amplification consistently (usually done by a licensed D/HH teacher).</p> <p>ASD: Not required, but students with Autism often have sensory issues that can impair functioning within the school environment. A sensory profile completed by or under the direction of</p>	<p><b>REQUIRED for D/HH:</b>  <b><u>Audiological documentation provided by a certified audiologist within the last 12 months.</u></b>            Documentation must show a sensorineural hearing loss or a conductive hearing loss or a unilateral sensorineural or persistent conductive loss or a sensorineural loss unaided.</p> <p>Systematic observation of the student in the educational setting using amplification consistently (usually done by a licensed D/HH teacher).</p> <p>ASD: Not required, but students with Autism often have sensory issues that can impair functioning within the school environment. A sensory profile completed by or under the direction of</p>

	the OT or ASD teacher may be completed.	the OT or ASD teacher may be completed.
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b><u>Required for eligibility for PL.</u></b> Address in other disabilities if there are specific concerns.	<b>NOT</b> required for eligibility; address if there are specific concerns.

Complete the checklists of the suspected disabilities along with the SMI checklist.

## Blind-Visually Impaired (B/VI)

### Use “Visual Impairment Checklist”

"Visually impaired" means a medically verified visual impairment accompanied by limitations in sight that interfere with acquiring information or interaction with the environment to the extent that special education instruction and related services may be needed. A student with visual impairments and a functional need may be considered for special education under the Blind – Visually Impaired (BVI) category.

*NOTE: If a visual concern is suspected, it is best practice to involve a licensed B/VI teacher at the outset of the evaluation planning to ensure all components are addressed appropriately.*

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.
Academic Performance	<p><b><u>Standardized Testing:</u> is not required.</b> Address if there are individual student concerns</p> <p><b><u>Record Review:</u></b> Review of student’s educational record <b>is not required but would be helpful to the team.</b> Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</li> <li>*Class work samples</li> <li>*Anecdotal teacher records</li> <li>*Curriculum based evaluation results</li> <li>*Prior interventions and results</li> </ul>	<p><b><u>Standardized Testing:</u> is not required.</b> Address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student’s educational record <b>is not required but would be helpful to the team.</b> Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</li> <li>*Class work samples</li> <li>*Anecdotal teacher records</li> <li>*Curriculum based evaluation results</li> <li>*Prior interventions and results</li> </ul>
Communication	<b><u>Standardized Testing:</u> NOT required</b> for eligibility determination.	<b><u>Standardized Testing:</u> NOT required</b> for eligibility determination.
Social/Emotional/Behavioral Skills	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning.</p> <p><b><u>Interview:</u></b> A historical summary of the student’s developmental and behavior patterns is helpful. Best practice is to gather this information via parent interview.</p>	<p><b><u>Standardized Testing:</u> NOT required</b> for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning.</p> <p><b><u>Interview:</u></b> A historical summary of the student’s developmental and behavior patterns is helpful. Best practice is to gather this information via parent interview.</p>
Functional Skills/Adaptive Behavior	<p><b><u>Required for eligibility determination.</u></b></p> <p>A licensed teacher of the visually impaired must determine the student has or experiences at least ONE of the following:</p>	<p><b><u>For eligibility determination</u></b> team must address how the student's vision loss affects the student’s ability to function in the educational environment.</p>

	<p>_____ Limited ability in visually accessing program-appropriate educational media without modification. _____ Limited ability to visually access full range of program-appropriate media and materials without accommodating actions such as changes in posture, body movement, squinting, focal distance, etc. _____ Variable visual ability due to environmental factors that cannot be controlled such as contrast, weather, color, or movement.</p> <p>_____ Reduced or variable visual acuity due to visual fatigue or factors common to the eye condition.</p>	
Health/Physical Status	<b>NOT</b> required for eligibility determination.	<b>NOT</b> required for eligibility determination.
Sensory Status	<p><b><u>REQUIRED: Documentation of visual impairment by a licensed eye specialist in at least ONE of the following:</u></b></p> <p>_____ Visual acuity of 20/60 or less in better eye with best conventional correction.</p> <ul style="list-style-type: none"> <li>• estimation of acuity for difficult-to-test pupils</li> <li>• for pre-kindergarten, measured acuity must be significantly deviant from what is developmentally age-appropriate</li> </ul> <p>_____ Visual field of 20 degrees or less, or bilateral scotomas.</p> <p>_____ Congenital or degenerative condition: • e.g., progressive cataract, glaucoma, retinitis pigmentosa</p>	<p><b><u>REQUIRED: Documentation of visual impairment by a licensed eye specialist in at least ONE of the following:</u></b></p> <p>_____ Visual acuity of 20/60 or less in better eye with best conventional correction.</p> <ul style="list-style-type: none"> <li>• estimation of acuity for difficult-to-test pupils</li> <li>• for pre-kindergarten, measured acuity must be significantly deviant from what is developmentally age-appropriate</li> </ul> <p>_____ Visual field of 20 degrees or less, or bilateral scotomas.</p> <p>_____ Congenital or degenerative condition: • e.g., progressive cataract, glaucoma, retinitis pigmentosa</p>
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b>NOT</b> required for eligibility but some Visually Impaired students require assistance to systematically orient themselves and provide safe movement within their school, home, and community environments (O&M). In addition, orientation and mobility services include, as appropriate, spatial, and environmental concepts and the use of sensory information to establish, maintain or regain orientation and line of travel. Evaluation needs determined by licensed B/VI teacher.	<b>NOT</b> required for eligibility but some Visually Impaired students require assistance to systematically orient themselves and provide safe movement within their school, home, and community environments (O&M). In addition, orientation and mobility services include, as appropriate, spatial, and environmental concepts and the use of sensory information to establish, maintain or regain orientation and line of travel. Evaluation needs determined by licensed B/VI teacher.

## Physically Impaired (PI)

"Physically impaired" means a medically diagnosed chronic, physical impairment, either congenital or acquired, that may adversely affect physical or academic functioning and result in the need for special education and related services. Examples of diagnoses that may meet these criteria are cerebral palsy, spina bifida, muscular dystrophy, spinal cord injury, osteogenesis imperfecta and arthrogryposis.

*Determination of eligibility MUST BE made by a multidisciplinary team, one of whom will be a teacher licensed in Physical and Health Disabilities.*

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<b>Standardized Testing not required for eligibility.</b> Address if there are individual concerns.	<b>Standardized testing NOT required</b> for eligibility determination. Address if there are individual concerns.
Academic Performance	<p><b><i>Standardized Testing may be required for eligibility:</i></b> Team must determine if the student's physical impairment interferes with educational performance as shown by an achievement deficit of 1.0 standard deviation or more below the mean on an individually administered, nationally normed standardized evaluation of the student's academic achievement.</p> <p>If academic performance is to be assessed, it is to be an individually administered, nationally normed, standard evaluation test (e.g. WJ Achievement, WIAT)</p> <p>A review of records is not required.</p>	<p><b><i>Standardized Testing is not required</i></b> but need to address during reeval. May formally address if there are individual student concerns.</p> <p>A review of records is not required.</p>
Communication	Address only if there are individual concerns impacting educational progress.	<b><i>Review records if original evaluation contained formal assessment in communication. Otherwise, no need to address.</i></b>
Social/Emotional/Behavioral Skills	<p>Address only if there are individual concerns impacting educational progress.</p> <p>An FBA should be completed if the student is exhibited behaviors that impact learning. This can also be written by the team using all the assessment data collected as part of the initial evaluation. If the team feels additional information is needed to write a comprehensive FBA, those sources of data should be added to the evaluation plan.</p>	<b><i>Review records if original evaluation contained formal assessment in Social/Emotional/Behavioral skills. Otherwise, no need to address.</i></b>
Functional Skills/Adaptive Behavior	<b>Team must determine</b> if there is a lack of functional level in organizational or independent work	<b>Team must determine</b> if there is a lack of functional level in organizational or independent work skills as verified by a

	skills as verified by a minimum of two or more documented, systematic observations in daily routine settings, one of which must be completed by a Physical/Health Disabilities licensed teacher.	minimum of two or more documented, systematic observations in daily routine settings, one of which is completed by a physical and health disabilities teacher.
***Health/Physical Status*** (Primary criteria)	<b>REQUIRED</b> for eligibility determination: <b>There must be written documentation of a medically diagnosed physical impairment.</b>	<b>REQUIRED</b> for eligibility determination: <b>There must be documentation of a medically diagnosed physical impairment.</b>
Sensory Status	Address only if there are individual concerns impacting educational progress.	<i>Review records if original evaluation contained formal assessment in sensory. Otherwise, no need to address.</i>
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b>The team must determine</b> if there is an <b>inability</b> to manage or complete motoric portions of classroom tasks within time constraints as verified by a minimum of two or more documented systematic observations in daily routine settings, one of which is completed by a Physical/Health Disabilities licensed teacher.	<b>The team must determine</b> if there is an <b>inability</b> to manage or complete motoric portions of classroom tasks within time constraints as verified by a minimum of two or more documented systematic observations in daily routine settings, one of which is completed by a physical and health disabilities teacher.

\*\*Any existing data from outside agencies must be considered and included in the Evaluation Report.



## Traumatic Brain Injury (TBI)

"Traumatic brain injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that may adversely affect a pupil's educational performance and may result in the need for special education and related services. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as: cognition, speech/language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, and information processing. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

*Determination of eligibility MUST BE made by a multidisciplinary team, one of whom should be a teacher licensed in Physical and Health Disabilities. Other team members to consider: Special Education teacher (licensed in SLD, EBD, or DCD), OT, PT, S/LP, School Psychologist, and/or Nurse.*

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<p><b><i>Standardized Testing may be required for eligibility:</i></b> Team must determine if there is a functional impairment attributed to the TBI that adversely affects education performance.</p> <p>If standardized testing is needed, it is to be an individually administered, nationally normed, standardized evaluation test (e.g. WISC/WAIS, UNIT, Kaufmann) Given by School Psych</p> <p>If concerns with executive function, normed assessments such as the BRIEF, CBIRT or the CEFI may be administered and interpreted by School Psych.</p> <p>If there are no concerns, there is no need to assess.</p>	<p><b>Standardized testing NOT required</b> for eligibility determination but need to address during reeval.</p>
Academic Performance	<p><b><i>Standardized Testing may be required for eligibility:</i></b> Team must determine if there is a functional impairment attributed to the TBI that adversely affects education performance.</p> <p>If academic performance is to be assessed, it is to be an individually administered, nationally normed, standard evaluation test (e.g. WJ Achievement, WIAT)</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>to determine if current performance has changed due to the TBI.</b> Examples of data that should be reviewed include: *cum file, special ed file *Current grades *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</p>	<p><b><i>Standardized Testing is not required</i></b> but need to address during reeval. May formally address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student's educational record <b>to determine if current performance has changed due to the TBI.</b> Examples of data that should be reviewed include: *cum file, special ed file *Current grades *Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB) *Class work samples *Anecdotal teacher records *Curriculum based evaluation results *Prior interventions and results</p> <p><b><u>Interviews:</u></b> Systematic interviews with parent/guardian, student, and</p>

	<p>*Class work samples          *Anecdotal teacher records          *Curriculum based evaluation results          *Prior interventions and results</p> <p><b><u>Interviews:</u></b> Systematic interviews with parent/guardian, student, and other knowledgeable persons <b>are required if academic concerns exist.</b> Interviews should focus on how the student's academic performance has changed.</p> <p><b><u>Observations:</u></b> Documented systematic observations in the classroom or other learning environments <b>are required if academic concerns exist.</b> Observations should be in areas where there have been changes in performance.</p> <p>If there are no concerns, there is no need to assess.</p>	<p>other knowledgeable persons <b>are required if academic concerns exist.</b> Interviews should focus on how the student's academic performance has changed.</p> <p><b><u>Observations:</u></b> Documented systematic observations in the classroom or other learning environments <b>are required if academic concerns exist.</b> Observations should be in areas where there have been changes in performance.</p>
Communication	<p><b><i>Standardized Testing may be required for eligibility:</i></b> Team must determine if there is a functional impairment attributed to the TBI that adversely affects communication.</p> <p>If there are concerns, normative and subjective assessments to be completed by Speech/Language Pathologist.</p>	<p><b><i>Standardized Testing NOT</i></b> required for eligibility determination, but impact of impairment must be addressed.</p>
Social/Emotional/Behavioral Skills	<p><b><i>Standardized Testing may be required for eligibility:</i></b> Team must determine if there is a functional impairment attributed to the TBI that adversely affects social relationships, emotional regulation, or behaviors that influence educational performance.</p> <p>One path to determine adverse effect is through standardized, nationally normed behavior ratings scales and a determination of skills/behaviors before and after the injury</p> <p><b><u>Interviews:</u></b> Systematic interviews with parent/guardian, student, and other knowledgeable persons <b>are required if there are behavior concerns.</b> Interviews should focus on how the student's behavioral pattern affects education performance, including interpersonal relations, academic proficiency, vocational skills, and/or social skills.</p> <p><b><u>Observations:</u></b> Documented systematic observations in the classroom or other</p>	<p><b><i>Standardized Testing NOT</i></b> required for eligibility determination. Address if there are individual student concerns by conducting an FBA if there are behaviors interfering with learning.</p> <p><b><u>Interviews:</u></b> Systematic interviews with parent/guardian, student, and other knowledgeable persons <b>are required if there are behavior concerns.</b> Interviews should focus on how the student's behavioral pattern affects education performance, including interpersonal relations, academic proficiency, vocational skills, and/or social skills.</p> <p><b><u>Observations:</u></b> Documented systematic observations in the classroom or other learning environments <b>are required if there are behavior concerns.</b> Observations should be in areas where behaviors are occurring and should focus on how the student's</p>

	<p>learning environments <b>are required if there are behavior concerns.</b> Observations should be in areas where behaviors are occurring and should focus on how the student's behavioral pattern is affecting educational performance.</p> <p>An FBA should be completed if the student is exhibited behaviors that impact learning. This can also be written by the team using all the assessment data collected as part of the initial evaluation. If the team feels additional information is needed to write a comprehensive FBA, those sources of data should be added to the evaluation plan.</p> <p>If there are no concerns, there is no need to assess.</p>	behavioral pattern is affecting educational performance.
Functional Skills/Adaptive Behavior	<p><b><i>Standardized Testing may be required for eligibility:</i></b> Team must determine if there is a functional impairment attributed to the TBI that adversely affects the student's ability to function in the school or community.</p> <p><b><i>If a Standardized Tests is required</i></b> a nationally normed, technically adequate measure of adaptive behavior must be completed (e.g. Vineland, ABAS)</p> <p><b><i>If functional/adaptive skills are of concern, an observation must be completed:</i></b> focus on documenting needs and the student's level of support in each of seven (7) domains of adaptive functioning: daily living and independent living skills, social and interpersonal skills, communication skills, academic skills, recreation and leisure skills, community participation skills, and work and work-related skills.</p> <p><b><i>If functional/adaptive skills are of concern, an interview must be completed:</i></b> Parent input about the students adaptive functioning and required support in each of the 7 domains noted. School staff may also be interviewed.</p> <p>If there are no concerns, there is no need to assess.</p>	<p><b><i>Standardized Testing not required for eligibility,</i></b> but team must address how the functional impairment attributed to the TBI adversely affects the student's ability to function in the school or community.</p> <p><b><i>If functional/adaptive skills are of concern, an observation must be completed:</i></b> focus on documenting needs and the student's level of support in each of seven (7) domains of adaptive functioning: daily living and independent living skills, social and interpersonal skills, communication skills, academic skills, recreation and leisure skills, community participation skills, and work and work-related skills.</p> <p><b><i>If functional/adaptive skills are of concern, an interview must be completed:</i></b> Parent input about the students adaptive functioning and required support in each of the 7 domains noted. School staff may also be interviewed.</p>
***Health/Physical Status*** (Primary criteria)	<b>REQUIRED</b> for eligibility determination: <b>There must be written documentation from a physician of a</b>	<b>REQUIRED</b> for eligibility determination: <b>There must be documentation from a physician of</b>

	<b>medically verified traumatic brain injury.</b>	<b>a medically verified traumatic brain injury.</b>
Sensory Status	<p><b>Hearing and vision may be addressed if there are concerns.</b></p> <p><b>Hearing:</b> tinnitus, noise sensitivity, or hearing loss</p> <p><b>Vision:</b> tracking, blind spots, visual field cuts, blurred vision, or double vision</p> <p>If there are no concerns, there is no need to assess.</p>	<p><b>Address criteria for reeval.</b></p>
Transition	<p>Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).</p>	<p>Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)</p>
Motor Ability	<p><b><i>Standardized Testing may be required for eligibility:</i></b> Team must determine if there is a functional impairment attributed to the TBI that adversely affects the student's motor ability to function in the school environment.</p> <p>Areas to consider:</p> <ul style="list-style-type: none"> <li>(a)mobility (balance, strength, muscle tone, or equilibrium);</li> <li>(b)fine or gross motor skills;</li> <li>(c)speed of processing or motor response time.</li> </ul> <p>The OT or PT will provide input on assessment tools and will complete the assessment.</p> <p>If there are no concerns, there is no need to assess.</p>	<p><b>NOT</b> required for eligibility; address if there are specific concerns.</p>

**\*\*Any existing data from outside agencies must be considered and included in the Evaluation Report.**

## Speech Language Impairment (SLI)

The Individuals with Disabilities Education Act (IDEA) defines speech/language impairment as “a communication disorder such as stuttering, impaired articulation, language impairment or a voice impairment that adversely affects a student’s educational performance.” Speech language pathology services may be identified as related services under IDEA.

Minnesota Rule 3525.1343 outlines the specific categorical requirements and criteria for speech or language impairment (SLI) eligibility in Minnesota. SLI is a stand-alone disability category, reported as a primary or secondary disability on the IEP or as a disability related to a primary disability category such as ASD, DCD, SLD, or DHH.

- Fluency disorder means the intrusion or repetition of sounds, syllables, and words; prolongation of sounds; avoidance of words; silent blocks; or inappropriate inhalation, exhalation, or phonation patterns. These patterns may also be accompanied by facial and body movements associated with the effort to speak.
- Voice disorder means the absence of voice or presence of abnormal quality, pitch, resonance, loudness, or duration.
- Articulation disorder means the absence of or incorrect production of speech sounds or phonological processes that are developmentally appropriate (e.g. lisp, difficulty articulating certain sounds, such as /l /or /r/).
- Language disorder means a breakdown in communication as characterized by problems in expressing needs, ideas, or information that may be accompanied by problems in understanding.

**A qualified Speech/Language Pathologist (SLP) must conduct the evaluations to determine eligibility.**

Area	Initial Evaluation	Re-Evaluation
Intellectual Functioning (Cognitive)	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.	<b>NOT required</b> for eligibility determination. Address if there are individual student concerns.
Academic Performance	<p><b><u>Standardized Testing:</u></b> NOT required</p> <p><b><u>Record Review:</u></b> Review of student’s educational record <b>is not required but would be helpful to the team.</b> Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA [MAP] DIBELS, AIMS WEB)</li> <li>*Class work samples</li> <li>*Anecdotal teacher records</li> <li>*Curriculum based evaluation results</li> <li>*Prior interventions and results</li> </ul>	<p><b><u>Standardized Testing:</u></b> NOT required. Address if there are individual student concerns.</p> <p><b><u>Record Review:</u></b> Review of student’s educational record <b>is not required but would be helpful to the team.</b></p> <p>Examples of data that should be reviewed include:</p> <ul style="list-style-type: none"> <li>*cum file, special ed file</li> <li>*Current grades</li> <li>*Previous standardized test results (MCA, NWEA, DIBELS, AIMS WEB)</li> <li>*Class work samples</li> </ul>

	*EL assessments/progress reports	*Anecdotal teacher records *Curriculum based evaluation results *EL assessments/progress reports
Communication	<b><u>Standardized Testing:</u></b> IS required for eligibility determination for an Articulation Disorder and a Language Impairment. NOT required for a Voice Disorder or Fluency Disorder.	<b><u>Standardized Testing:</u></b> NOT required for determining continued eligibility. Student must demonstrate a continued need in the given skill area to continue to receive services.
Social/Emotional/Behavioral Skills	<b><u>Standardized Testing:</u></b> NOT required for eligibility determination.  Standardized or criterion referenced assessments in conjunction with an observation are helpful in determining the presence of a social language deficit that can be addressed by the speech language pathologist.  <b><u>Interview:</u></b> A historical summary of the student's developmental and behavior patterns <b>IS required</b> . Best practice is to gather this information via parent interview.	<b><u>Standardized Testing:</u></b> NOT required for eligibility determination.  <b><u>Interview:</u></b> A historical summary of the student's developmental and behavior patterns <b>IS required</b> . Best practice is to gather this information via parent interview.
Functional Skills/Adaptive Behavior	<b>NOT</b> required for eligibility determination of a stand-alone communication disorder.	<b>NOT</b> required for eligibility determination of a stand-alone communication disorder.
Health/Physical Status	<b>NOT</b> required for eligibility determination. A medical review completed by the School Nurse is helpful in ruling out physiological etiology for a communication disorder.	<b>NOT</b> required for eligibility determination.
Sensory Status	<b>NOT</b> required for eligibility determination but hearing screening results are typically reported to rule out an auditory issue impacting speech/language acquisition.	<b>NOT</b> required for eligibility determination but hearing screening results are typically reported to rule out an auditory issue impacting speech/language acquisition.
Transition	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal).	Transition planning must occur by or during grade 9. Two sources must be used: any combination of (formal/informal, formal/formal, or informal/informal)
Motor Ability	<b>NOT</b> required for eligibility; address if there are specific concerns.	<b>NOT</b> required for eligibility; address if there are specific concerns.

Many of these areas are not required to meet criteria for a stand-alone communication disorder but may wish to be considered when looking at the how the child's performance differs from peers.

Speech Language Pathologist (SLP) often include a review of Academics as a possible impact on the language difficulties. Many SLP's may combine the Health/Physical/Sensory Status heading to report a history of chronic illness, surgery or injury that might have impacted the development of communication skills as well as the results of hearing screening/assessments. This information may be obtained via parent interview, a review of medical records or a health review completed by the School Nurse.

Functional/Adaptive Skills and Social/Emotional/Behavioral Skills are not assessed in a "speech only" eval. If a student had concerns in these areas, communication would not be the primary focus of the eval. However, if concerns have been expressed about social skills, the SLP may consider using a standardized or criterion referenced measure in addition to a classroom observation. If data is obtained to show that social language skills are in deficit, a social communication goal may be added that would result in an SLP providing a related service. If there is no data to support the inclusion of an SLP on the team, social communication can still be addressed by the Special Ed teacher.

Standardized communication assessment is not required for re-evals but often recommended to get the most updated information.

An additional consideration for SLP's is whether the student has been identified as an EL Learner. SLP's need to evaluate EL students in both languages to determine the presence of a communication disorder.

## Developmental Delay (DD)

### Ages 3-6

A child up to age seven meets the criteria for Developmental Delay (DD) if the child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in a developmental delay or has a delay of at least 1.5 standard deviation in each of two or more of the areas of cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development according to diagnostic instruments and procedures.

*The evaluation team needs to include a teacher licensed in Developmental Delay (Birth-6) or an ECSE teacher.*

Area	Initial Evaluation	Re-Evaluation: See note below
Intellectual Functioning (Cognitive) <b><u>If there is no diagnosed physical or mental condition and there are concerns with cognitive skills</u></b>	<p><b><u>One of the possible qualifying criteria:</u></b> a mental condition that has a high probability of resulting in a developmental delay</p> <p>IF NO diagnosed condition, but concerns with cognitive skills:</p> <p><b><u>Standardized Testing:</u></b> Individually administered, nationally normed, standardized evaluation test <b>is required</b> (e.g. WISC, UNIT, Kaufmann) Given by School Psych.</p> <p><b><u>Observation:</u></b> 1 systematic observation <b>is required if this is an area of delay</b>, in the child's daily routine setting.</p> <p><b><u>Record Review:</u></b> A review of the student's developmental history.</p> <p><b><u>Additionally:</u></b> If this is an area of concern, there must be at least one other evaluation procedure is conducted on a different day than the medical or norm-referenced evaluation, which may include criterion referenced instruments, language samples, or curriculum-based measures.</p>	
Academic Performance	<b><u>Standardized Testing:</u></b> is not required nor typically assessed. Not an area that would qualify a student.	
Communication <b><u>If there is no diagnosed physical or mental condition and there are concerns with communication skills</u></b>	<p><b><u>Standardized Testing:</u></b> Individually administered, nationally normed, standardized evaluation test may be administered. Refer to S/LP or ECSE teacher for guidance</p> <p><b><u>Observation:</u></b> 1 systematic observation <b>is required if this is an</b></p>	



	<p><b>area of delay</b>, in the child's daily routine setting.</p> <p><b><u>Record Review:</u></b> A review of the student's developmental history.</p> <p><b><u>Additionally:</u></b> If this is an area of concern, there must be at least one other evaluation procedure is conducted on a different day than the medical or norm-referenced evaluation, which may include criterion referenced instruments, language samples, or curriculum-based measures.</p>	
<p>Social/Emotional/Behavioral</p> <p><b><u>If there is no diagnosed mental health condition and there are concerns with social or behavioral skills or with the student's emotional regulation</u></b></p>	<p><b><u>Standardized Testing:</u></b> Standardized, age appropriate nationally normed behavior ratings scales (e.g. BASC, Achenbach Child Behavior Checklist, Connors) <b>are required.</b></p> <p><b><u>Observation:</u></b> 1 systematic observation <b>is required if this is an area of delay</b>, in the child's daily routine setting.</p> <p><b><u>Record Review:</u></b> A review of the student's developmental history.</p> <p><b><u>Additionally:</u></b> If this is an area of concern, there must be at least one other evaluation procedure is conducted on a different day than the medical or norm-referenced evaluation, which may include criterion referenced instruments, language samples, or curriculum-based</p>	
<p>Functional Skills/Adaptive Behavior</p> <p><b><u>If there is no diagnosed condition or diagnosed physical or cognitive condition and there are concerns with functional/adaptive skills</u></b></p>	<p><b><u>For eligibility determination.</u></b> A nationally normed, age appropriate, technically adequate measure of adaptive behavior must be completed (e.g. Vineland, ABAS)</p> <p><b><u>Observation:</u></b> 1 systematic observation <b>is required if this is an area of delay</b>, in the child's daily routine setting.</p> <p><b><u>Record Review:</u></b> A review of the student's developmental history.</p> <p><b><u>Additionally:</u></b> If this is an area of concern, there must be at least one other evaluation procedure is conducted on a different day than the</p>	

	medical or norm-referenced evaluation, which may include criterion referenced instruments, language samples, or curriculum-based	
<b>***Health/Physical Status***</b>	<p><b>One of the possible qualifying criteria:</b> A diagnosed physical condition or disorder that has a high probability of resulting in a developmental delay.</p> <p>May also consider vision and hearing status.</p>	
Sensory Status	<b>NOT AN AREA that would qualify a student, but may be assessed if concerns</b>	
Motor Ability <u><b>If there is no diagnosed condition and there are concerns with motor skills</b></u>	<p><b><u>For eligibility determination.</u></b> A nationally normed, age appropriate, technically adequate measure of motor skills (see PT or OT for instruments)</p> <p><b><u>Observation:</u></b> 1 systematic observation <b>is required if this is an area of delay</b>, in the child's daily routine setting.</p> <p><b><u>Record Review:</u></b> A review of the student's developmental history.</p> <p><b><u>Additionally:</u></b> If this is an area of concern, there must be at least one other evaluation procedure is conducted on a different day than the medical or norm-referenced evaluation, which may include criterion referenced instruments, language samples, or curriculum-based</p>	

Prior to turning seven years old, if the team suspects a continuing need, the team must conduct a REEVALUATION determine if a student meets initial criteria for a categorical disability. It is a REEVALUATION, but the student must meet initial criteria in one of the categorical areas.

***Additional information regarding planning for DD evaluation:***

*While not every area requires a standardized tool be given, all areas must be addressed in the evaluation. Developmental delay criteria require TWO areas of delay at 1.5 Standard Deviations below the mean. Any of the following areas can be used for eligibility.*

***Academic/Cognitive Development---Brigance Inventory of Early Development III***

*This tool has separate domains for all of the following areas so could be given as a comprehensive tool, but you must have two specialists with different licensure on a DD evaluation team and it is best practice to involve other specialists with more expertise in their areas.*

**Adaptive Measurements -- Life Skills --**The Brigance III Standardized does have a section for Adaptive Measurements. Many psychologists use the **Adaptive Behavior Assessment System Third Edition (ABAS-3)**

**Social - emotional development** The BASC can be used to gather information for physical or verbal acting out behavior. The Connors for students with impulse control issues (suspected ADHD) may be used. The Social Skills Improvement System (SSIS) is frequently used when one social area cannot be pinpointed.

**Speech and language evaluations--** Speech and Language Clinicians will recommend and use tools to determine eligibility. Often speech clinicians give two assessment tools in order to also obtain Speech and Language eligibility so that when the student ages out of DD eligibility they can continue serving speech and language if delays are still present.

**Motor Development** – The Occupational Therapist will recommend and use tools to determine if this is a significant area of concern. If it is not a significant area but the team feels there are fine and gross motor needs that could assist in qualifying, the Motor section of the Brigance can be used.

Other required components:

**Review of Curriculum Based or Criterion Based Measures-** this is a requirement for DD evaluations and is a review of any performance or measures done in school. New kindergarten kids may not have had much informal criterion-based measures, but any done should be included in the report.

**Systematic Observation** in a routine environment i.e.: school

**Developmental and Health History (including vision and hearing screening)**

The DD teacher can do the developmental history, but this section can also be completed by the nurse, the school psychologist, or a school social worker.

**Sensory Issues--** Not a required area of a DD eval-and cannot be used for an eligibility area. However, this is often an area of concern and provides good information for programming and IEP development. Most often done by Occupational Therapists.

August 2023: Minnesota Department of Education Monitoring Division encourages school districts to consider Part B Primary Disability criteria in addition to Developmental Disability criteria and, if the student qualifies for Part B, use that disability label in lieu of DD.

## Appendix 6

### Evaluation Sharing Meeting Agenda

*(an Evaluation Sharing Meeting is not required and there is no required team membership, unless the District plans to hold an IEP meeting following the share meeting)*

1. Introductions/Sign-In Sheet
2. State Purpose of Meeting/State Reason for Special Ed Evaluation or Re-evaluation
3. Discuss Summary of Evaluation Results
  - a. Share Eligibility (Y or N) and category
  - b. Review Strengths
  - c. Review Needs based on Special Ed Disability Criteria
4. Parent Questions/Concerns
5. If Initial Evaluation and student is eligible: Schedule IEP Meeting for separate date (ideally within one week but no more than 30 days from this meeting)
6. If Reevaluation: Hold IEP Meeting with separate sign-in and appropriate team members present

# Appendix 7

## IEP Meeting Agenda

Introductions/Sign-In Sheet/Procedural Rights Brochure

- a. If a required team member is absent, the parent/guardian must give consent and sign the Agreement Regarding IEP Team Member Attendance.
- b. The team member who is absent must provide written input on the student.
- c. Third Party Billing explanation and sign-off (only need to do the sign-off on initial IEP in the District, but need to ask about eligibility each year)

Purpose of Meeting

Parent Input: How is the year going? Any concerns?

Input from Teachers/Related Service Providers: What are student's strengths? What are present levels of academics/behavior? Any concerns?

Discuss IEP goals: Changes or modifications?

Discuss Services: Changes or modifications?

Discuss Modifications in General Education: Changes or modifications?

State/District Assessments: Changes or modifications?

ESY Determination

Special Transportation

Other concerns/questions

## Appendix 8

### Goal Writing Guidance

#### Goals must be measurable.

Goals and objectives in a student's IEP focus on the skills and behaviors the student needs to learn in order to be involved with and progress in the general curriculum.

Goals are broad statements which describe what a student can reasonably be expected to accomplish within a twelve-month period of time. To the extent possible, goals should be written in a positive manner, especially for behavior. What is the skill that needs to be improved for the student? A goal should promote a positive replacement behavior or improved performance. Writing a goal that states a student will decrease swearing does not address the positive replacement behavior. If a student is swearing, we want him/her to use socially appropriate language, so the goal might be written as "Mark will increase his use of classroom appropriate language from less than 50% of his utterance to more than 80%." This goal, of course, would require baseline data on the amount of time (or the number of utterances) Mark is swearing.

Each goal includes:

- \*Direction of change can be expressed as "to increase" or "to decrease" (present level may be implied or explicitly stated)
- \*Skill/behavior to be changed
- \*Expected annual ending level of performance

Direction of Change	Skill or behavior	Present level (based on baseline data)	Expected level of achievement
<i>The student will:</i> -increase -decrease	Academic (reading, writing, math) Behavior (interpersonal or intrapersonal)	From xxxx	To yyyy

#### EXAMPLES

Direction of Change	Skill or behavior	Present level (based on baseline data)	Expected level of achievement
<i>Mark will decrease</i>	<i>Talking out in class without being called on</i>	<i>From 10 times per class</i>	<i>To 5 or less times per class</i>
<i>Mark will increase his</i>	<i>Literacy skills (e.g., phonics, phonemic awareness, fluency, comprehension, vocabulary)</i>	<i>From a second-grade level</i> <i>OR</i> <i>From single sound recognition</i>	<i>To a third-grade reading level with 80% accuracy in fluency and basic</i>

			<i>comprehension questions</i> OR <i>To sounding out c-v-c and c-v-c-silent e words with 80% accuracy</i>
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Areas to consider for goals:

Reading comprehension	physically acting out
Math computation/numeracy	self-injurious behavior
Gross motor control	personal space infringement
Expressive/receptive language	elopement
Self-care	time on task
Interpersonal skills	

Objectives are measurable, intermediate steps leading to the attainment of the goal. Objectives provide a basis for determining the student's progress. Outcomes are student based and describe the student's behavior/performance. Objectives must include criteria for attainment and there must be at least two and no more than five objectives per goal.

Objectives contain:

- \*conditions/setting
- \*skill/behavior to be performed
- \*criteria and procedures for assessing performance/attainment

<b>Conditions/setting</b>	<b>Skill or behavior to be performed</b>	<b>Evaluation criteria</b>
<i>Conditions/setting under which behavior is to be performed:</i> <ul style="list-style-type: none"> <li>• <i>Environment</i></li> <li>• <i>Specialized instruction, equipment, materials</i></li> <li>• <i>Degree of independence</i></li> </ul>	Observable Verifiable	<i>What will be used to measure performance:</i> <ul style="list-style-type: none"> <li>• <i>Method</i></li> <li>• <i>Rate of success</i></li> </ul>

### EXAMPLES

<b>Conditions/setting</b>	<b>Skill or behavior to be performed</b>	<b>Evaluation criteria</b>
<i>Given small group instruction and specialized materials</i>	<i>Mark will identify phonemic sounds to all 26 letters of the alphabet in isolation and in combination</i>	<i>With 80% accuracy on 4 out of 5 trials as measured by staff observation and work record</i>
<i>Given small group instruction and specialized materials</i>	<i>Mark will identify barriers to his successful participation in class at least two positive alternatives</i>	<i>As measured by completed list, teacher observation, and self-report</i>
<i>Given the general ed setting and having had the opportunity to role play</i>	<i>Mark will, when arguing with the teacher and with no more than two teacher prompts, follow the staff directions</i>	<i>For 8 out of 10 incidents per day as measured by staff observation, student behavior sheet, and self-reflection</i>



## Appendix 9

### DUE PROCESS TIMELINES

**Due Process Timelines:** When referencing “days” for due process, a distinction needs to be made between “calendar days” and “school days”: “Calendar Days” are counted as the days of the month. “School Days” are counted as the days students are in session. A teacher workday or a grading day does not count in “school days” because students aren’t available. NOTE: The day the signature for an Initial Evaluation Plan PWN is received is considered “Day 0” and the actual 30 School Day count begins the next day. Similarly, the day the PWN for a Reevaluation or an Annual IEP is sent home is considered “Day 0” and the actual 14 calendar day count begins the next day.

**Form Layout - Spaces are provided for staff to initial when each item is completed.**

#### **Initial Evaluations:**

\_\_\_\_\_ Child Find: Child Find Team notifies parent of student concerns and invites parent to Child Find Meeting. 2 interventions, 6 weeks each.

\_\_\_\_\_ Data completed by Child Find team and filed in student’s cum folder.

\_\_\_\_\_ Child Find Team notifies parents of results of Interventions. If interventions worked, continue using the interventions.

\_\_\_\_\_ Special Education Eval Planning Meeting - If interventions didn’t work, add student to SpEd Forms and set up a Special Education Eval Planning Meeting at least one week later with parents.

\_\_\_\_\_ Notice of Team Meeting is created, finalized, and sent out at least 1 week prior to Eval Planning Meeting with a Notice of Procedural Safeguards.

\_\_\_\_\_ File a copy in the student’s cum folder. Parent can decline and have the meeting continue without them.

\_\_\_\_\_ Eval Planning Meeting – Create Eval/Reeval Prior Written Notice with testing information of all evaluators.

\_\_\_\_\_ Notice of Eval/Reeval Prior Written Notice – If the parent returns it with does not agree, the evaluation cannot begin.

\_\_\_\_\_ Finalize and send a copy to parents with a Notice of Procedural Safeguards.

\_\_\_\_\_ File a copy in the student’s cum folder.

\_\_\_\_\_ If the parent returns a signed copy, mark the date received on the bottom left and count out 30 school days and mark that date on the bottom right.

\_\_\_\_\_ Notify evaluators permission was received, the date received and the date 30 school days later. File the signed copy in the student’s cum folder.

\_\_\_\_\_ If the parent does not return it, send another copy as the evaluation cannot begin without parent permission prior to starting. The case manager should contact the parent and meet to work out the concern.

\_\_\_\_\_ Evaluation - Once parent signature is received; the school district has **30 school days** to complete the Evaluation and present the Evaluation Report (ER) to parents.

\_\_\_\_\_ File a copy in the student's cum folder.

\_\_\_\_\_ Evaluation Summary (Evaluation Results) Meeting - There is not a requirement for an Evaluation Summary Meeting, but best practice is to have one. However, if an Evaluation Summary Meeting is held, it must be within the **30-school day** time frame and the ER presented is not a "draft" but is the finished product.

\_\_\_\_\_ Create and finalize a Notice of Team Meeting if you are holding an Evaluation Results Meeting.

\_\_\_\_\_ Send a copy to parents with a Notice of Procedural Safeguards at least 1 week prior.

\_\_\_\_\_ File a copy in the student's cum folder.

### **Initial Individual Education Plan:**

Once the team has determined a student does have an educational disability and does need specialized instruction, it offers to meet with the parent to develop an Individual Education Plan (IEP). Best practice is not to move immediately into an IEP meeting if an Evaluation Summary meeting is held. Parents often need time to process the results of the evaluation and determination of eligibility. Statute requires the initial IEP meeting to be held within **30 calendar days** of the Evaluation date. Designs for Learning recommends the initial IEP meeting to be held within **10 calendar days** of the Evaluation date.

\_\_\_\_\_ Notice of Team Meeting -

\_\_\_\_\_ Contact parent and set up an IEP meeting.

\_\_\_\_\_ Create and finalize a Notice of Team Meeting.

\_\_\_\_\_ Send one copy to the parent with a Notice of Procedural Safeguards.

\_\_\_\_\_ File one copy in the student's cum folder.

Individualized Education Plan (IEP) Meeting –

\_\_\_\_\_ Give to the parent –

\_\_\_\_\_ Notice of Procedural Safeguards

\_\_\_\_\_ Agreement Regarding IEP Team Member Attendance – If any of the following are missing, parent must sign this for the meeting to take place or reschedule the meeting:

Special Ed Teacher with licensure in the disability area, General Ed Teacher, Administrative Designee, and Parent.

\_\_\_\_\_ Authorization for the Release of Information – if the parent brought a professional, not a family member along or if there are professionals that we need to contact regarding the student’s disability.

\_\_\_\_\_ Draft IEP copies for the meeting which must be collected after the meeting and shredded.

\_\_\_\_\_ Record of a Team Meeting – Have attendees sign and have a staff member take notes of the meeting. The notes should be used to create the final IEP.

\_\_\_\_\_ IEP - In developing the IEP, the team must have a “projected start date” for services. The projected start date will be **14 calendar days plus 1** from the date the IEP and PWN are sent to the parent. For example, If the IEP meeting was held on Monday, March 1, the teacher would have until Wednesday, March 10 (7 school days, starting the count on Tuesday) to get the IEP out to the parent. The projected start date on the IEP would be Thursday, March 25.

\_\_\_\_\_ An IEP should be completed and validated on SpEd Forms.

\_\_\_\_\_ A copy of the validated IEP is sent to the parent with a Prior Written Notice and a Notice of Procedural Safeguards.

\_\_\_\_\_ File a copy of the validated IEP in the student’s cum folder.

**Prior Written Notice** - There are no timelines from statute on the length of time from the IEP meeting to presenting the parents with the IEP and PWN, but best practice is to present the IEP and PWN to parents within **7 school days (but does include teacher workdays)** of the IEP meeting. **\*\*\*NOTE: Parents must sign the PWN before Initial IEP services can begin**

\_\_\_\_\_ After the IEP is developed, a PWN is written and finalized.

\_\_\_\_\_ A copy is sent with the IEP to parent for their signature.

\_\_\_\_\_ File a copy of the finalized PWN in the student’s cum folder.

Implementing the IEP – ONLY if the parent agrees, signs, and dates the signature page and returns it to the school can IEP services be implemented for an initial IEP.

\_\_\_\_\_ If the parent marks on the PWN they agree, signs, and dates the PWN and returns it to the school, let service providers know the IEP services can begin immediately.

\_\_\_\_\_ If the parent marks on the PWN they don't agree, signs, and dates the PWN, contact your Director of Special Education immediately as a Conciliation Meeting needs to be set up by the Director within 10 days.

\_\_\_\_\_ If the parent does not return the PWN within 14 days, the case manager should contact the parent to answer any questions, provide another IEP and PWN or find out what the parent wants to do.

\_\_\_\_\_ File a copy of the PWN received in the student's cum folder.

### **Reevaluation:**

Once the team presents an Evaluation PWN to the parent, the parent has up to **14 calendar days** to consider the plan. If the Parent does not sign the PWN, implied consent is assumed, and the team has **30 school days** to complete the evaluation. This requires the special education teacher to count back 30 school days from the Evaluation due date and then add on at least two weeks as the date for the Evaluation Planning meeting. For example, if the Evaluation Due Date is Monday, April 15, 2019, counting back 30 school days is Monday, February 25 (assuming there is a week of spring break). This is the latest day the evaluation can begin and still have 30 school days for completion. Using Monday, February 25 as the day to "begin" the assessments, the teacher needs to back up another two weeks (minimum) to hold the Evaluation Planning meeting and to present the Evaluation PWN to the parent (to provide the parent their 14 days to consider the plan).

\_\_\_\_\_ Special Education Eval Planning Meeting - Three years less one day from the date of the previous evaluation, an evaluation must be completed and shared with parent.

\_\_\_\_\_ Set up a Special Education Eval Planning Meeting at least one week later with parents.

\_\_\_\_\_ Notice of Team Meeting is created, finalized, and sent out at least 1 week prior to Eval Planning Meeting with a Notice of Procedural Safeguards.

\_\_\_\_\_ File a copy in the student's cum folder. Parent can decline and have the meeting continue without them.

\_\_\_\_\_ Eval Planning Meeting – Create Eval/Reeval Prior Written Notice with testing information of all evaluators.

\_\_\_\_\_ Notice of Eval/Reeval Prior Written Notice –

\_\_\_\_\_ Finalize and send a copy to parents with a Notice of Procedural Safeguards.

\_\_\_\_\_ File a copy in the student's cum folder.

\_\_\_\_\_ If the parent returns it with does not agree, the evaluation cannot begin. The case manager should contact the parent to find out why the parent did not agree and meet to work out the concern.

\_\_\_\_\_ If the parent returns a signed copy, mark the date received on the bottom left and count out 30 school days and mark that date on the bottom right.

\_\_\_\_\_ Notify evaluators permission was received, the date received and the date 30 school days later. File the signed copy in the student's cum folder.

\_\_\_\_\_ If the parent does not return it, send another copy as the evaluation cannot begin without parent permission prior to starting.

\_\_\_\_\_ Evaluation - Once parent signature is received; the school district has **30 school days** to complete the Evaluation and present the Evaluation Report (ER) to parents.

\_\_\_\_\_ File a copy in the student's cum folder.

\_\_\_\_\_ Evaluation Summary (Evaluation Results) Meeting - There is not a requirement for an Evaluation Summary Meeting, but best practice is to have one. However, if an Evaluation Summary Meeting is held, it must be within the **30-school daytime** frame and the ER presented is not a "draft" but is the finished product.

\_\_\_\_\_ Create and finalize a Notice of Team Meeting if you are holding an Evaluation Results Meeting.

\_\_\_\_\_ Send a copy to parents with a Notice of Procedural Safeguards at least 1 week prior.

\_\_\_\_\_ File a copy in the student's cum folder.

### **Annual Individual Education Plan**

IEPs must be developed and presented to the parent by the Annual Due Date listed. There are no timelines from statute on the length of time from the IEP meeting to presenting the parents with the IEP and PWN, but best practice is to present the IEP and PWN to parents within **7 school days (but does include teacher workdays)** of the IEP meeting.

\_\_\_\_\_ Notice of Team Meeting -

\_\_\_\_\_ Contact parent and set up an IEP meeting.

\_\_\_\_\_ Create and finalize a Notice of Team Meeting.

\_\_\_\_\_ Send one copy to the parent with a Notice of Procedural Safeguards.

\_\_\_\_\_ File one copy in the student's cum folder.

### **Individualized Education Plan (IEP) Meeting Process –**

\_\_\_\_\_ Give to the parent –

\_\_\_\_\_ Notice of Procedural Safeguards

\_\_\_\_\_ Ask about Medical Assistance (MA) and have parent complete form if MA eligible

\_\_\_\_\_ Agreement Regarding IEP Team Member Attendance – If any of the following are missing, parent must sign this for the meeting to take place or reschedule the meeting: Special Ed Teacher with licensure in the disability area, General Ed Teacher, Administrative Designee, and Parent.

\_\_\_\_\_ Authorization for the Release of Information – if the parent brought a professional, not a family member along or if there are professionals that we need to contact regarding the student's disability.

\_\_\_\_\_ Draft IEP copies for the meeting which must be collected after the meeting and shredded.

\_\_\_\_\_ Record of a Team Meeting – Have attendees sign and have a staff member take notes of the meeting. The notes should be used to create the final IEP.

\_\_\_\_\_ IEP - In developing the IEP, the team must have a “projected start date” for services. The projected start date will be **14 calendar days plus 1** from the date the IEP and PWN are sent to the parent. For example, If the IEP meeting was held on Monday, March 1, the teacher would have until Wednesday, March 10 (7 school days, starting the count on Tuesday) to get the IEP out to the parent. The projected start date on the IEP would be Thursday, March 25. The services end date will be one year less one day from the date of the IEP meeting.

\_\_\_\_\_ An IEP should be completed and validated on SpEd Forms.

\_\_\_\_\_ A copy of the validated IEP is sent to the parent with a Prior Written Notice and a Notice of Procedural Safeguards.

\_\_\_\_\_ File a copy of the validated IEP in the student's cum folder.

Prior Written Notice - There are no timelines from statute on the length of time from the IEP meeting to presenting the parents with the IEP and PWN, but best practice is to present the IEP and PWN to parents within **7 school days (but does include teacher workdays)** of the IEP meeting. **\*\*\*NOTE: An Annual IEP may continue without parent signature after 14 calendar days of the PWN being sent out (known as “implied consent”)**

\_\_\_\_\_ After the IEP is developed, a PWN is written and finalized.

\_\_\_\_\_ A copy is sent with the IEP to parent for their signature.

\_\_\_\_\_ File a copy of the finalized PWN in the student's cum folder.

### Implementing the IEP –

\_\_\_\_\_ If the parent marks on the PWN they agree, signs, and dates the PWN and returns it to the school, let service providers know the IEP services can begin immediately.

\_\_\_\_\_ If the parent marks on the PWN they don't agree, signs, and dates the PWN, contact your Director of Special Education immediately as a Conciliation Meeting needs to be set up by the Director within 10 days.

\_\_\_\_\_ If the parent does not return the PWN within 14 days, the IEP goes into effect in 14 days.

\_\_\_\_\_ File a copy of the PWN received in the student's cum folder.

# Appendix 10

## Functional Behavior Assessment

Sample Prior Written Notice (PWN)

*Prior Written Notice (PWN)*

*XXXX Charter School*

*Student:* \_\_\_\_\_ *Grade:* \_\_\_\_\_ *Date of Birth:* \_\_\_\_\_ *MARSS:* \_\_\_\_\_

*School:* \_\_\_\_\_ *Date of Notice:* \_\_\_\_\_

1. *The District is proposing to conduct a Functional Behavioral Assessment (FBA) for xxx*
2. *The District is proposing to conduct the FBA due to a rise in xxx physical acting out behavior. The FBA will assist the District in developing a positive behavior intervention plan that will lead to more effective problem solving/effective communication skills for xxx.*
3. *The District reviewed current levels of performance for xxx, including logs of the frequency, intensity, and type of acting out behavior.*
4. *The District could choose to continue to respond to the behavior without understanding the cause/reasons for the behavior, but decided it was in xxx best interest to have ideas as to why he was exhibiting the behavior and could develop an effective plan.*
5. *Per Guidance from the Minnesota Department of Education Monitoring and Compliance Division, schools can complete a stand-alone FBA; hence xxxx's next evaluation review date (m/d/yr) does not change.*

<u><i>Area</i></u>	<u><i>Evaluation/Assessments</i></u>	<u><i>Evaluator(s)</i></u>
<i>Social/Emotional/Behavioral</i>	<i>Functional Behavioral Assessment; review of records, observations,</i>	<i>School Psychologist, Special Education teacher</i>

### *Your Rights*

*You have three options:*

- A. *Mark "yes", sign this document, and return to the District within the next 14 days. If you do mark "yes" and sign, the District will begin the assessment immediately. The District will have 30 school days from the date of the returned document to complete the FBA.*



- B. Mark “no”, sign this document, and return to the District within the next 14 days. If you do mark “no”, the District will meet with you to review your concerns. That meeting can be a conciliation conference or an IEP meeting with appropriate team members.
- C. Do nothing and in 14 calendar days (m/d/yr) the District will proceed with the FBA. The District will have 30 school days from that date to complete the FBA.

\_\_\_\_\_ Yes, I agree with the proposed assessment

\_\_\_\_\_ No, I do not agree and request a meeting with the School. Someone from the school will reach out to me to determine if I seek a conciliation conference or an IEP meeting.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

### *Sample Functional Behavior Report*

A functional behavior assessment was completed utilizing a variety of strategies including observations, interviews, and a review of records. The following is a summary of the results of this assessment:

A description of the target behaviors and their frequency, severity, and duration:

Behavior #1	Frequency	Intensity 1-5	Duration
	Location/Activity	Time(s)	Person(s)
		(ex: 9:20, and 1:00)	
Behavior #2	Frequency	Intensity 1-5	Duration

	Location/Activity	Time(s)	Person(s)
Behavior #3	Frequency	Intensity 1-5	Duration
	Location/Activity	Time(s)	Person(s)

When \_\_\_\_\_ (parent) was interviewed, he/she said that \_\_\_\_\_ (student) Example: interacts with others by seeking attention from others and trying to be involved with what others are doing. If he doesn't get his way, he gets emotional. Currently, to calm himself, he will come to an adult.

\_\_\_\_\_ (teacher) report that \_\_\_\_\_ (student) Example: avoids work and transitions are difficult for him. He often sits out in the hallway during recess in the gym to avoid the noise and commotion of all the students who are in there at that time. He has difficulties following his schedule and staying in his required space (i.e. classroom, recess, lunch table, rest space, etc.).

\_\_\_\_\_ (student) reports that \_\_\_\_\_

Where/ When does the behavior occur?  (Social Conditions)	Behavior Number(s)	What precedes the Behavior?  (Triggers/ Antecedents)	Behavior Number(s)	What happened next?  (Consequences)	Behavior Number(s)

Independent seat work					x		
Whole group instruction							
Small group instruction							
Individual instruction							
Crowded setting							
Field trips and bus							
Unstructured activity recess							
Unstructured setting recess							
Transition time							
Walking to class or changing activities in							

the room or locations						
<b>Other: I</b>						

A description of the apparent functions of the target behaviors and possible appropriate replacement behaviors:

<b>JUSTICE/REVENGE</b>	<b>Behavior #</b>	<b>POWER/CONTROL</b>	<b>Behavior #</b>
Get back at teacher		Control classroom activity	
Get back at peer		Control adult	
Get back at parent		Control peer	
Get back at school		Control time on task/work output	
Other:		Other:	
<b>ATTENTION</b>		<b>ESCAPE/AVOIDANCE</b>	
Gain adult attention		Avoid demand or request	
Gain peer attention		Avoid activity or task	
Gain time with preferred adult		Avoid a person	
Other:		Escape classroom	
<b>GRATIFICATION/SENSORY</b>		Escape school	

	Gain food or tangible reinforcement		Other:	
	Gain sensory stimulation		<b>ACCEPTANCE/AFFILIATION</b>	
	Avoid sensory stimulation		Gain connection with peer/adult	
	Escape environment		Gain benefit of group	
	Other:		Other:	

**HYPOTHESIS STATEMENT:** *([Student] is doing [target behavior(s)] in order to [function] because [lagging skills]).*

**Prosocial behaviors:**

What does the student do well?

Documentation that the team has considered other treatable causes for the target behaviors, including mental or physical health condition:

A description of the positive behavioral interventions and supports and other strategies used in the past and the effectiveness of each:

A description of changes in the environment in which the target behaviors occur that may reduce the frequency of the behaviors:

## Appendix 11

### Manifestation Determination

When a student has had behavioral issues that result in 10 cumulative days of suspension, the IEP Team must hold a Manifestation Determination meeting. A manifestation determination requires the district representative, the special education student's parent/guardian and other relevant members of the IEP team to review all relevant information in the student's file, including the student's IEP, latest evaluation, including FBA, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- b. If the conduct in question was the direct result of the district's failure to implement the IEP.  
34 C.F.R. § 300.530(e)

A Manifestation Determination also needs to be held if the student is being considered for expulsion due to their behavior or if the team is contemplating a change in placement due to the student's behavior. The latter may also require a Functional Behavioral Assessment (see your Special Education Director for further guidance).

If the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, except the student must continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting and to progress toward meeting the goals set out in the student's IEP; and receive, as appropriate a functional behavioral assessment (FBA) and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

34 C.F.R. § 300.530(a)(2) and (d); Minn. Stat. § 121A.43(d)

If the team determines the student's behavior is related to the student's disability, the IEP team must conduct an FBA, unless the district conducted an FBA before the behavior that resulted in the change of placement occurred and implement a behavioral intervention plan for the student. If a behavioral intervention plan already has been developed, the IEP team must review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and return the student to the placement from which the student was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

34 C.F.R. § 530(f)

**Note of Clarification:** “Cumulative” school days is the count of days of suspension. According to the Minnesota Pupil Fair Dismissal Act, a suspension for a special education student includes a part of a day as well as a full day. In other words, if the student is sent home at 10:00 AM (sometimes referred to as an “early dismissal”) it counts as a full day of suspension. Likewise, if the student is sent home at 2:00 (and the school dismisses at 2:30), it is considered a full day of suspension. *Also, according to the MN Pupil Fair Dismissal Act and recent interpretation from the Minnesota Department of Education Monitoring and Compliance, while a “day of suspension” is an out-of-school suspension, in-school suspension also counts toward the 10-day total.*

*Additional Note of clarification: As of the 2023-2024 school year, students K-3<sup>rd</sup> grade, regardless of special education status, cannot be suspended. Students can be sent home for the remainder of the day but must be allowed to return to school the next day unless there are concerns for safety, in which case a meeting must be held, and plans developed to address the safety concerns. AS NOTED earlier, if a special education K-3<sup>rd</sup> student is sent home for the remainder of the day, it does count as a day of suspension and is included in the 10-day cumulative count triggering a Manifestation Determination.*

## Appendix 12

### Extended School Year (ESY)

What is it?

Extended School Year Services (ESY)

- Are an individualized extension of special education and related services provided to a student with a disability beyond the normal school year.
- Are provided by the district at no cost to the parents so that students may **maintain** the skills they have learned during the school year.
- Varies in intensity, location, type of service, and length of time, depending upon each student's needs.
- Provides positive academic and social experiences that **maintain** the child's progress on his/her IEP goals.

Who can receive ESY?

Not every student with a disability will be entitled to receive ESY services. The student's IEP team determines his/her eligibility for ESY **annually** by documenting student need in at least one of three conditions:

- Regression/Recoupment – “there will be significant regression of a skill or acquired knowledge from the pupil's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate;”
- Self-sufficiency – “services are necessary for the pupil to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the pupil's age and level of development, and the timeliness for teaching the skill; or”
- Unique Need – “the IEP team otherwise determines, given the pupil's unique needs, that ESY services are necessary to ensure the pupil receives a free appropriate public education.”

What data that should be used to determine ESY need?

- Pupil's progress and maintenance of skills during the regular school year;
- Pupil's degree of impairment;
- Pupil's rate of progress;
- Pupil's behavioral or physical problems;
- Availability of alternative resources;
- Pupil's ability and need to interact with nondisabled peers;
- Areas of the pupil's curriculum which need continuous attention; or
- Pupil's vocational needs.



## Appendix 13

### Progress Reports

A description of the child's progress toward the annual goals will be measured.

When completing the progress report, each goal is measured. The case manager or service provider should be taking data during the year in order to report the student's progress on the goals. State law requires that parents be regularly informed at least as often as parents of a non-disabled child are informed of progress. The IEP list the frequency of reporting (e.g. quarterly, trimester) and the mode of the report (e.g. in writing, over the phone, in-person). The IEP can count as one progress report if it is within the trimester, quarter, or semester of progress reporting period. A formal progress form must still be completed and attached to the IEP.

When completing the Progress Report:

- Describe **measurable** progress toward goals (i.e. "the student has read 70 sight words at the 2<sup>nd</sup> grade level with 80% accuracy")
- Do not use phrases such as "and/or" in the progress report
- If a goal uses the objectives as a means for measurability, then both goals and objectives must be addressed in the progress report
- Progress should be specific to the target set such as percent, date, etc.
- In order to report on progress, data must be kept on students reaching the targets set for the goals and objectives

**\*Point of Clarification:**

If the student isn't making expected progress, the teacher needs to determine what has been done or will be done to assist the student in making progress. Adjustments to instruction or strategies need to be made in a timely manner with the intent to accelerate learning and rate of progress. A student should not go more than two progress reporting periods with "no progress" or a decline in skills.

If the student is not making progress, the teacher must consider:

- Making changes to the goals and objectives
- Making changes to the type of or amount of services
- Making changes in location of services
- Making changes in the delivery of instruction (changes to modality or curriculum)

If changes are made to goals, services, or location, an IEP team meeting should be held to discuss the student's needs, lack of progress, and how to remedy the situation.

## Appendix 14

### Summary of Performance Guidance

(to be completed during the spring of the student's graduating year)

1. Describe the student's current levels of academic achievement:
  - a. Did the student receive specialized instruction in the area of academics? Summary of present levels as it relates to life after high school. Ex: student had a learning disability and received specialized instruction in the areas of reading and math to assist the student with comprehension and math calculation. Student benefited from highlighting key words in the text and previewing key vocabulary words, as well as having math formulas available as a guide when completing math work.
  - b. How did they meet their graduation requirements? Replacement curriculum? Traditional credits/learning targets? Graduating off IEP goals?
  - c. State and District testing results
2. Describe the student's current levels of functional performance:
  - a. Did the student receive organizational support?
  - b. Did the student need assistance with task initiation and task completion?
  - c. Did the student attend to tasks? How was their level of attention?
  - d. Did the student come prepared to class?
  - e. Is the student able to follow their schedule?
  - f. Was the student able to complete assignments independently, or with support?
  - g. How well did the student communicate?
  - h. How were the student's social skills?
3. Identify recommendations to assist the student in attaining their post-secondary goals.
  - a. Post-Secondary Education & Training:
    - i. Ex: If available, student should take advantage of any services that their post-secondary training program offers for students with disabilities such as help with written assignments and/or math assignments. Student has been in contact with the Anoka County Office of Rehabilitation Services and they are aware of the help they offer to high school graduates who continue to have special needs in a work environment.
  - b. **Employment:**
    - i. **Self-Advocacy skill level**
    - ii. **Is the student connected with Vocational Rehabilitation?**
    - ii. Is the student currently working? What jobs have they had? Were they in the work-based learning program (WBL- if applicable)?
  - c. Independent Living:
 

(where appropriate, and may include recreation and leisure, community participation and home living.)

## Appendix 15

### Graduating Off an Individual Education Plan

**Question 7: What is an “IEP-driven diploma?”** Answer: An “IEP-driven diploma” is the colloquial reference used to describe the diploma earned by a student with a disability when the objectives in that student’s individualized education program (IEP) are the factors used to determine whether he or she receives a diploma. The requirement that school districts grant a high school diploma to a student with a disability when these objectives are met is codified in Minnesota law. “Upon completion of secondary school or the equivalent, a pupil with a disability who satisfactorily attains the objectives in the pupil's IEP must be granted a high school diploma that is identical to the diploma granted to a pupil without a disability.”

Authority: Minn. Stat. § 125A.04; See Letter to Anonymous, 22 IDELR 456 (OSEP 1994)

**Question 8: When is it appropriate for a student with a disability to receive a diploma based on attainment of IEP objectives, and who should make this decision?** Answer: The student’s IEP team, including the parent(s), is charged, in part, with determining appropriate placement, accommodations, modifications, services, goals, objectives, transition goals, objectives, and services for that student. In making these determinations, the IEP team also considers whether the student is able to take the examinations required or fulfill all of the requirements necessary for graduation in Minnesota, with or without modification. For some students, the IEP team may decide that attainment of individualized objectives is a more appropriate determining factor, with respect to receipt of a high school diploma, than is attainment of required examinations or other requirements. The IEP team, because of its unique knowledge of and work with the student, is best suited to make this determination. The student’s parent must consent to the proposed change of placement prior to exiting the student.

Authority: 34 C.F.R. §§ 300.320; 300.321; 300.324; 300.503; Minn. Stat. § 125A.091, Subd. 3a; Minn. Stat. § 125A.08(a)(1); Minn. R. 3525.2810, subp. 2-4

## Appendix 16

### Day Treatment Guidance

#### Enrollment Status

When students enroll in full-day mental health day treatment, they end up unenrolling from the charter and being enrolled in educational programming from the district that the day treatment program resides on. You would hold the student's spot for when they return. If a student participates in partial day treatment, the student would stay enrolled part time in the charter school, and part time in the day treatment program. The MARSS status would need to be updated to reflect the amount of time the student attends the charter school.

#### Special Education Services

When students enroll in partial day mental health day treatment, they would have a part time school schedule and part time day treatment schedule each day. You will need to adjust the student's IEP and schedule accordingly. Ex: If the student typically has 50 minutes of reading service minutes, 50 minutes of math, and 30 minutes of social skills minutes per day five days a week when they are fully enrolled in the charter school, you may need to adjust that to 30 minutes of reading, 30 minutes of writing, and 15 minutes of social skills services minutes per day five days per week to adjust for attending half days and still spending time in the general education setting.

#### IEP Considerations

You need to adjust the service grid, least restrictive environment, and federal setting (and adjust the formula for calculating federal setting from 330-360 instructional minutes a day to 180 instructional minutes per day or however long the student is at school before or after day treatment). Adding a statement in the present levels in the area of social/emotional/behavioral would also be informative. Special transportation may need to be added for the student to be transported to and from day treatment and school. Work with the student's resident district to get it set up.

#### Exiting Day Treatment

When the student returns, it would be beneficial to have a re-entry meeting to set up a plan for success that would include having a release of information completed to be able to speak with the mental health team and review the discharge recommendations to review student needs.

## Appendix 17

### Special Ed Instruction, Grading, and Report Cards

1. *Special Education students are General Ed students first and always. There is a shared responsibility for instruction and support of special ed students.*
2. ***GENERAL EDUCATION TEACHERS** are responsible for implementing all the accommodations, modifications on their sped students' IEPs; this may include differentiating course content (in collaboration with sped teachers).*
3. ***GENERAL EDUCATION TEACHERS** are responsible for giving grades to sped students (unless the student is setting 3 with a functional curriculum, is graduating off his/her IEP and has individualized courses of study).*
  - a. *Only content-level licensed teachers (High School) can give grades – this is the MDE's regulation.*
4. *SpEd teachers are teaching SKILLS, not content (unless the student is setting 3 with a functional curriculum, is graduating off his/her IEP and has individualized courses of study).*
5. *SpEd students MAY receive a failing grade if they are not utilizing the skills they are being taught or are refusing to do their work. However, both general ed and SpEd teachers must be in constant communication with sped students about their participation, workload, and performance. If SpEd students continue to not utilize skills and/or complete their work, then the responsibility for a poor/failing grade falls on the student.*
  - a. *If general education teachers are NOT implementing the accommodations on a student's IEP, they CANNOT assign the student a failing grade because they have not been providing the student a FAPE.*
6. *A student's **report card** may reflect the course work was modified (this might be done by narrative notation or a symbol of some sort).*
7. *A student's **transcript**, however, cannot indicate a student participated in a modified or special ed course. A District may have a numeric system for internal purposes, but the transcript itself cannot show the student was in special ed.*
8. *For setting 3 students with a functional curriculum who are graduating off their IEPs, the IEP team determines individualized courses of study based on the student's needs.*

## Appendix 18

### Mandated Reporting Resources

If you work with children in a licensed facility, you are legally required or mandated to report and cannot shift the responsibility of reporting to anyone else. If you know or have reason to believe a child is being or has been neglected or physically or sexually abused within the preceding three years you must immediately (within 24 hours) make a report to an outside agency. You may go to your supervisor for support, but this is not required. All reports can remain anonymous if desired. Minnesota Statutes, section 626.556, subd. 4a. states that an employer of any mandated reporter shall not retaliate against the mandated reporter for reports made in good faith or against a child with respect to whom the report is made. For more detailed information on how and where to report follow the link below.

<https://www.house.leg.state.mn.us/comm/docs/921d0428-cf22-4a35-985b-22c7d5638e94.pdf>

Additional information: Below is a link for a comprehensive guide that includes specific definitions and examples of suspected abuse and neglect. It includes information about what agency needs to be contacted if the alleged perpetrator is not a family member or caregiver. It also includes a section describing actions Child Protective Services may take as a result of a report:

[Resource Guide for Mandated Reporters of Child Maltreatment Concerns](#)

#### **Failure to report**

If a mandated reporter fails to report, the person could be prosecuted. This crime ranges from a misdemeanor to a felony, depending on the harm suffered by the child. Also, depending upon the mandated reporter's position, the person may be disqualified from having professional contact with vulnerable people in the course of their work.

#### **Mandated reporters are immune from liability**

Mandated reporters are immune from liability for any report made in good faith. An employer cannot retaliate against a mandated reporter for making a good faith report. Reporter's identity is protected unless a court order releases the person's identity upon a showing by the subject of the report that the report was in bad faith.

*Mandated reporters must report abuse or neglect caused by a child's parent(s), guardian(s) or caretaker(s) to either the local law enforcement agency or the local child welfare agency.*

#### **County Information:**

##### **1. Anoka County:**

If a child is in immediate danger **Call 911.**

If a child is not in immediate danger, **make a report:**

Call 763-324-1440 within 24 hours.

Written report: You can submit a report with our [ONLINE Child Maltreatment Reporting Form](#). Or, you can download our printable [Child Maltreatment Reporting Form \(PDF\)](#) and fax it to 763-324-1039.

More Information: [Anoka County Child Protection Website](#)

## 2. Dakota County

If a child is in immediate danger **Call 911.**

If a child is not in immediate danger, **make a report:**

Call Child Protection 952-891-7459

A written report must be completed with 72 hours. Please complete this [form](#) and Fax/ Mail Report to: Dakota County Children & Family Intake, 14955 Galaxie Ave, Apple Valley, MN 55124 Fax: 952-891-7192

More Information: [Dakota County Child Protection Website](#)

## 3. Hennepin County

If a child is in immediate danger **Call 911.**

If a child is not in immediate danger, **make a report:**

Call 612-348-3552 (press 1 to make a report) within 24 hours.

Written report must be completed with 72 hours. Online forms can be completed [here](#). Or print out a form, fill out as much information as you can, and fax it to 612-466-9581. [Printable reporting form \(PDF\)](#)

More information: [Hennepin County Child Protection Website](#)

## 4. Ramsey County:

If a child is in immediate danger **Call 911.**

If a child is not in immediate danger, **make a report:**

Call 651-266-4500 within 24 hours.

Written report must be completed with 72 hours. Complete the form [here](#) or download (then complete), email to [CHS-CPIntake@ramseycounty.us](mailto:CHS-CPIntake@ramseycounty.us) or print and fax to 651-266-3911.

More Information: [Ramsey County Child Protection Website](#)

### 5. Washington County

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:

Call Human Services Central Intake 952-496-8959 to file a report of child abuse or neglect. Reports can be made Monday - Friday 8 a.m. to 4:30 p.m. After hours reports can be made to your local law enforcement.

Written report must be completed with 72 hours. Please fill out and submit the form [here](#).

More Information: [Washington County Child Protection Website](#)

### 6. Houston County

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:

Call Houston County Social Services @ (507-) 725-5811 during business hours M-Fri. Please ask for an intake worker. If it is after hours and an emergency, you can call Houston County Sheriff's Department @ 507-725-3379 or Crisis Response 1-844-272-7472

Written report must be completed with 72 hours. Please inquire if there is a form available and where to send it.

More Information: [Houston County Children Protection Website](#)

### 7. Isanti County

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:

Call the Child Protection Social Worker on Intake, Monday through Friday from 8 a.m. to 4:30 p.m., at 763-689-1711. Outside of Monday through Friday, 8 a.m. to 4:30 p.m., please contact Isanti County Sheriff's Department at 763-689-2141.

A written report must be completed with 72 hours. Please complete this [form](#) and fax it to 763-689-9877

More Information: [Isanti County Child Protection Website](#)

### 8. Nicollet County

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:



Call: 507-387-4556 during business hours or 507-931-1570 during non-business hours.

Written report must be completed with 72 hours. Please inquire if there is a form available and where to send it.

More Information: [Nicollet County Child Protection Website](#)

#### 9. Rice County

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:

Call: 507-332-6115; Northfield Phone: 507-645-9576; Lonsdale Phone: 507-744-5185; Toll Free 888-200-4807

Written report must be completed with 72 hours. Please download, print and send this [form](#) via fax to 507-332-6247.

More Information: [Rice County Child Protection Website](#)

#### 10. St. Louis County

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:

Call: If you suspect abuse or neglect regarding children in South St. Louis County (includes areas South of Cotton, MN), please call 218.726.2012

If you suspect abuse or neglect regarding children in North St. Louis County (includes areas North of Cotton, MN), please call 218.471.7128.

Written reports may be requested. Please inquire when making a verbal report.

Free mandated reporting training is available to schools. To inquire about hosting a training at your school, please contact the Initial Intervention Unit closest to you:

- Duluth: 218-726-2012 or [iiu@stlouiscountymn.gov](mailto:iiu@stlouiscountymn.gov)
- Virginia: 218-471-7128 or [iiunorth@stlouiscountymn.gov](mailto:iiunorth@stlouiscountymn.gov)

More Information: [St. Louis County Child Protection Website](#)

#### 11. Scott County:

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:

Call 651-430-6457. Calls during the evening, weekend or holidays should be made to the Washington County Crisis Response Unit at 651-275-7400.

Written report must be completed with 72 hours. Please fill out and send in this [form](#).

More Information: [Scott County Child Protection Website](#)

## 12. Blue Earth County

If a child is in immediate danger **Call 911**.

If a child is not in immediate danger, **make a report**:

Call: 507) 304-4444 Monday through Friday

After hours and weekends, you may call (507) 304-4319. Your call will be taken by an answering service, and a message given to a social worker who will contact you. Please do not submit any reports through email or the Blue Earth website as it may not be secure.

Written report must be completed with 72 hours. Please download, print and send this [form](#) via fax to (507) 304-4305

More Information: [Blue Earth Child Protection Website](#)

# Appendix 19

## Restrictive Procedures:

Schools are to avoid the use of Physical Holds unless the student is posing an imminent risk of harm to themselves or to others. Per §MN Statute 125A.0941, an "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury. **Emergency does not mean** circumstances such as: a child who does not respond to a task or request and instead places his or her head on a desk or hides under a desk or table; a child who is yelling and screaming profanities or other words that disrupt the classroom, hallways, gyms, cafeteria or playground, a child who is tearing posters and school work from the walls, clearing desks, breaking electronic equipment, a child who may be running around the classroom or hallways who does not respond to a staff person's request unless failing to respond would result in physical injury to the child or other individual; or an emergency incident has already occurred, and no threat of physical injury currently exists.

"Physical holding" (as defined by §MN Statute 125A.0941) means physical intervention intended to hold a child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury. The term physical holding does not mean physical contact that:

- (1) helps a child respond or complete a task;
- (2) assists a child without restricting the child's movement;
- (3) is needed to administer an authorized health-related service or procedure; or
- (4) is needed to physically escort a child when the child does not resist, or the child's resistance is minimal.

School districts should use positive behavioral supports and interventions that teach skills to student to promote prosocial and effective problem skills rather than focus solely on the suppression of negative or maladaptive behavior.

If a District does use a restrictive procedure (physical hold) in an emergency and as a last measure in order to maintain safety for the student or others, only trained staff (special education teacher or paraprofessional) should implement the hold. A hold may be needed if other less intrusive methods (e.g., verbal de-escalation, proximity, self-removal to another space) have not been successful. A physical hold may not be used to discipline a noncompliant student. The physical hold ends when the threat of harm ends, and staff determines the student is calm enough to process and be able to return to the classroom or activity.

Per statute, if a restrictive procedure is used in an emergency, the parent must be notified within 24 hours by phone and within 48 hours by written correspondence if phone contact was not made.

The incident will be documented with the following elements included in the report:

- (1) The antecedents to the incident
- (2) Staff response to the student prior to the decision to use a physical hold
- (3) A description of the hold, including a 'stick-figure' drawing indicating where each staff member was during the hold.
- (4) The length of time the hold was used
- (5) A summary of the debriefing of the incident with the student once the student has regained control

(6) Time of parent notification, including whether parent responded to the call or if message was left.

The executive Director and the Director of Special Education will be notified of the use of a hold within one hour of the conclusion of the incident. The staff involved with the incident will have a debriefing/check-in at the end of the day.

Copies of the report will be made and sent to the Director of Special Education, the Executive Director, the student's Special Education teacher, and a copy will be placed in the student's special education file.

The Director of Special Education will log and track the use of physical holds for the annual report made to the Minnesota Department of Education (MDE) Commissioner per instructions provided by MDE Division of Compliance.

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

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

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

The IEP team may plan for using restrictive procedures and may include these procedures in the student's IEP or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The IEP or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

While the District does not plan to use restrictive procedures as part of formal plan, staff will be trained in verbal de-escalation techniques, emphasizing recognizing escalating signs of student distress and corresponding positive staff interventions to calm the student. If the student's behavior does escalate to where there are concerns for the safety of the student or of others, the use of a physical hold will be implemented, with the least intrusive hold to maintain the student safely to be used.

A District should establish a "Restrictive Procedures" oversight committee. The committee will undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in

nonemergency situations; the need for additional staff training; and proposed actions to minimize the use of restrictive procedures.

The oversight committee should consist of:

- (1) a school psychologist;
- (2) the Director of Special Education;
- (3) a Special Education Teacher; and
- (4) the Executive Director Building Principal

An additional Restrictive Procedure defined in § MN Statute 125A is “seclusion time out” or “seclusion space.” The statute clearly outlines the necessary physical dimensions and protections that space must have and to have been inspected by the Fire Marshall. Unless a school has met all the requirements for a seclusion space, a student CAN NOT be placed in any room, closet, or space by themselves and be barred from exiting that space.

Finally, school districts must acknowledge certain actions or procedures are prohibited and will not use the following:

- (1) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- (2) totally or partially restricting a child's senses as punishment;
- (3) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- (4) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
- (5) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under MN Statute [626.556](#);
- (6) withholding regularly scheduled meals or water;
- (7) denying access to bathroom facilities;
- (8) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; and
- (9) prone restraint.

*\*Point of Clarification:*

*Beginning with the 2023-2024 school year, any physical hold, whether done with a general ed or special ed student, must be reported to the Minnesota Department of Education on a yearly basis. The report includes the student's MARSS, age, grade, gender, ethnicity, and disability (if applicable). The total number of physical holds for that student is the number reported.*

## Appendix 20

### Crisis Response

It is difficult to provide a “one-page fits all” for a crisis that may arise at a school. Each District must consider safety protocol that meets the needs of its community. Consideration of what to do if there is an active shooter is different than if there is a fire which differs if there has been a death in the community that might impact the school.

When developing protocols for a crisis, the District needs to keep in mind the physical and mental safety of students and staff. A crisis, by definition, is a time of intense difficulty, trouble or danger. No plan can cover all contingences, but a District can consider elements such as:

1. Chain of command: Who is empowered to make decisions for the District or are individual teachers left to make decisions. If a Chain of Command is established by District procedures, all must agree to follow the Chain.
2. Safe spaces: are those in the building or is there a place to evacuate to. If there is a secondary site, arrangements must be made prior to any crisis the site will be prepared for a sudden influx of students
3. Shelter in place: if the decision is to shelter in place, how will teachers be informed of decisions regarding safety, escape, or of crisis resolution

There may be a forewarning of a possible crisis. In these instances, a threat assessment may be considered by the District. There are several resources for determining how or when a threat assessment should be conducted. Situations that might necessitate a threat assessment are on-line threats of violence (shooting, bomb), verbal statements by students, reports of a student having a weapon. All of these should be taken seriously but calmly and with due regard of student safety, rights, and legal options.

A threat assessment worksheet can be obtained from the Director of Special Education or School Social Workers. Additional resources are:

[Minnesota School Safety Center](#) has a great resource page that includes the following documents:

- [Guide for Developing High-Quality School Emergency Operations Plans](#)
- [The Role of Districts in Developing High-Quality School Emergency Operations Plans: A Companion to the School Guide](#)
- [Emergency Planning Information for Parents and Teachers](#)
- [Ready Classroom K-8 Teaching Resources on Emergency Preparedness](#)
- [Comprehensive Information on Emergency Planning and Preparedness](#)

## Appendix 21

### Risk Assessment Procedures

It is important for every school to determine not only a Crisis plan but also a Crisis team so that all staff are aware of the steps to be taken in the time of an emergency and who is responsible for what. All staff should be trained on the action plan and chain of command. No teacher should feel unsure of how to address an emergency situation or feel alone in supporting a student in need.

1. Identify a Crisis team that includes but is not limited to Administrative staff and health care professionals at the school.
2. Identify the crisis (i.e. student elopement, student threat to self or others, stranger on the premise etc..) and who should be brought in to assist in addressing the problem.
3. A follow up plan should be in place to process the situation with students and staff, as necessary.

Below is a sample plan for Suicide risk assessment

1. Observe warning signs
  - a. Talking/writing about wanting to die
  - b. Looking for a way to kill oneself
  - c. Talking about feeling hopeless or having no purpose
  - d. Talking about feeling trapped
  - e. Use of alcohol or non-prescribed drugs
  - f. Demonstrating agitated, reckless, or nervous behaviors
  - g. Sleeping significantly more or less
  - h. Withdrawn or isolating behaviors
  - i. Demonstrating severe mood swings
2. Talk to student
  - a. Research shows that direct inquiry about suicide can be effective in saving a life. Do not be afraid to ask (in a safe and quiet space)
  - b. Anyone with concerns should follow-up with student immediately. Do not wait.
3. Determine if risk indicators are present
  - a. Through risk assessment
4. Have designated staff complete a risk assessment (determine immediate action)
  - a. STAFF (elementary) or STAFF (middle school)
5. Follow-up

- a. If risk assessment was completed, complete follow-up plan listed
- b. Teacher/staff can continue checking in with student
- c. Parents should be informed when a student demonstrates warning signs, when discussion of suicide or self-harm is brought up.
- d. Parents should be contacted every time a risk assessment is completed

### **Extra notes How can you help a student at risk**

- Take immediate action. Do not wait
- Take all signs seriously
- Trust your instincts
- Make sure student is not left alone
- Remove dangerous items (sharp objects, drugs, Firearms)
- If risk is identified, seek out mental health professional or designated staff
- Have a risk assessment completed by designated staff

### **Who is a Mental Health Professional**

- Within School: School Social Worker (by license), School Psychologist (by statute)

### **Other Resources for Mental Health support**

- National Suicide Prevention Lifeline: 1-800-273-TALK (8255)
- Hospital Emergency Room (contact if risk assessment identifies risk and student can't be safe)

A helpful resource is the Columbia Protocol website. There is a drop down menu that has options for protocols, training, etc.

This protocol has been endorsed, recommended or adopted by: WHO, CDC, SAMHSA, FDA among others.

<https://cssrs.columbia.edu/>



# Appendix 22

## Parent Communication Log

Date and time	Method (phone, email, in-person)	Summary of contact

## Appendix 23

### DETERMINING PARAPROFESSIONAL SUPPORT

Form to be completed to initiate a request for additional Paraprofessional support

**Student Name:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **Student Disability:** \_\_\_\_\_

**Teacher's Name:** \_\_\_\_\_ **Today's Date:** \_\_\_\_\_

Check the appropriate box(es) for consideration of Paraprofessional support

<u><b>Health</b></u>	<u><b>Personal Care</b></u>	<u><b>Behavior</b></u>	<u><b>Instruction</b></u>
Health Plan	Toileting	Physical acting out	Hand-over-hand assist
G-Tube	Diapers	Verbal threats	Prompt to attend
Medications	Toilet Training	Self-injurious behavior	Instruction modification
Suctioning	Feeding	"squirmy"/"restless"	Discrete trial
Food Prep	Dressing	Runs away	Social Skills support
Monitoring/Safety (Seizure)	Mobility	Profanity/vulgar language	Communication
Wheelchair assist	Hygiene	Property destruction	PECS
Other	Positioning	Non-compliant	Other
	Other	Other	

Describe each checked box above in behavioral and observable terms, location it is occurring in and include how the need differs from peers:

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Describe the strategies that have been used to address the concerns

<u>Strategy/intervention</u>	<u>Length of time</u>	<u>Effectiveness</u>

Describe the Present Educational setting:

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Can the support needed only be provided by additional personnel or can the need be addressed through technology, behavioral strategies, or additional training? If so, describe:

---

Describe how the student’s needs are not being met currently:

Rate the student’s level of support. Provide examples of your rating determination.

Level	<u>Health/Personal Care</u>	<u>Behavior Supports</u>	<u>Instructional Supports</u>	<u>Mainstream</u>
0	Generally good health. No specialized health care procedure or medications taken. No time required for health care at school. Independently maintains all “age appropriate” personal care needs.	Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults.	Participates fully in whole class instruction. Stays on task during typical instructional activity. Follows direction with few to no additional prompts.	Participates in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers.
1	Mild or occasional health concerns. Allergies or other controlled conditions. No specialized health care procedures. Medication administration takes less than 10 minutes time. Needs reminders to complete “age appropriate” personal care activities.	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited.	Participates in group at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on task, follow directions and to remain engaged in learning.	Participates with modification and accommodation. Needs occasional reminder of room and schedule. Requires some additional support to finish work and be responsible. Needs some social cueing to interact with peers appropriately.
2	Chronic health issues (ear infections, ADD, diabetes, bee sting allergy). Generic specialized health care procedure and takes medication. Health care intervention for 10 to 15 minutes daily (blood sugar, medication). Needs prompts or assistance for toilet accidents, washing hands, etc.	Has problems following directions and behaving appropriately. Can be managed adequately with a behavior support plan, but unable to experience much success without behavior support plan.	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions.	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications and accommodations to benefit from class activities. Regular socialization may require adult facilitation.
3	Very specialized health care procedure and medication. Limited mobility or physical limitations requiring assistance (stander, walker, gait trainer or wheelchair). Special food	Requires adult assistance for more than 50% of the day due to serious behavior problems occurring almost daily. Requires a Positive Behavior Support Plan	Difficult to participate in a large group. Requires low student-staff ratio, close adult proximity and prompts including	Participation may require direct adult support. Requires direct supervision going to and from class. Always requires modifications and

	<p>prep or feeding. Health related interventions 15-45 minutes daily. Frequent physical prompts and direction assistance to participate in personal care. Requires toilet schedule, training, direct help or diapering.</p>	<p>and behavior goal(s) on IEP. Requires close visual supervision to assist the student with following directions, staying on task, remain in designated area, use appropriate language and to keep hands/materials to self. Medication for ADHD or other behaviors.</p>	<p>physical assistance to stay on tasks. Primarily complies only with 1:1 directions and monitoring. Cognitive abilities and skills likely require modifications not typical for class as a whole. May need discrete trial, ABA, PECS or structured teaching. Signing or assistive technology to communicate for majority of day.</p>	<p>accommodations for class work. Requires adult to facilitate social interaction with peers.</p>
4	<p>Specialized health care procedure requiring care by specially trained employee (G tube, tracheotomy, catheterization). Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 minutes or more daily. Direct assistance with most personal care. Requires two-person lift.</p>	<p>Serious behavior problems with potential injury to self and others, runs-away, verbal or physical aggression daily. Defiant and/or prone to physical aggression. Functional Analysis of behavior has been completed and student has a Positive Behavior Support Plan that is implemented consistently to allow safe school attendance. Behavior goal(s) on the IEP. Staff trained in management of physical acting out behaviors.</p>	<p>Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 strategies to benefit from Positive Behavioral Intervention Plan. Cognitive abilities and skills require significant accommodation and modification not typical for the class group.</p>	<p>Always requires 1:1 staff in close proximity for direct instruction, safety, mobility or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times.</p>

Specific example(s) for all ratings 1-4:

IF the student is rating at a “4” in any category, why is the general setting the least restrictive for the student?

Should the support be provided in the special ed classroom or alternate site?

What IEP goals will the additional support be provided for?

Once in place, how will you know if the Para support is successful?

Once in place, what is the plan to eventually fade the Para support?

## Appendix 24

### *Sample Format for Present Levels of Academic Achievement and Functional Performance (PLAAFP)*

*Grade of student and how many years enrolled at the Charter School:*

*Overall Strengths:*

*Overall Areas of Concern:*

*Credits (if applicable):*

*Attendance:*

#### *Academic Present Levels (Not Standard Scores from the WJ)*

*Reading:*

*Writing:*

*Math:*

*Science and Social Studies:*

*NWEA/MAP scores for reading and math:*

#### *Additional Present Levels*

*Attention:*

*Task Completion:*

*Learning Style:*

*Social/Emotional/Behavior- including incident reports for the year and suspensions:*

*Peer Interactions/Social Skills:*

*Communication:*

*Organization/Planning/Working within Timelines:*

*Transition (if applicable)- Post Secondary Education and Training, Employment/Vocational (do they currently have a job?) Independent Living, Rec. Leisure, and Community Participation:*



## Appendix 25

### Special Education Advisory Council (SEAC)

The Minnesota Department of Education requires School Districts to have a Special Education Advisory Council (SEAC). The purpose of the SEAC is to provide input and increase the involvement of parents of children with disabilities in district policy making and decision making. The SEAC must meet at least once per year, but it can meet more. In addition to the Director of Special Education, at least half of the Advisory Council must include parents of students with a disability. Additional members may be special ed teachers, general ed teachers, the Special Education Coordinator, General Ed Administration and other individuals with an interest in the special education policies of the District. Agenda items will be solicited by the Director of Special Education in consultation with the Executive Director and the special education team. Parents may introduce items to the agenda prior to the meeting or at the time of the meeting.

The Purpose of the Council is to seek input on policy making and decision making. If a parent has a particular issue or complaint regarding their child or a staff member, the Advisory Council is not the proper forum for the complaint; Dispute Resolution is the appropriate venue for such complaints.

SEAC Meetings are often held in conjunction with other Parent events, such as Parent-Teacher conferences. To encourage attendance, a meal may be offered. However, Special Education Federal Funds **may not** be used to pay for the meal/food for a SEAC meeting.

## Appendix 26

COVID Guidance 2021-2022 (retained for historical perspective)

**\*\*\*NOTE: As of the 2023-2024 school year, the Minnesota Department of Education (MDE) has not issued any guidance for schools to follow with regards to COVID. It is the assumption of educators the 2023-2024 school year will be conducted as a “normal” school year without any specific or special consideration of COVID other than the recognition “Long Covid” could possibly fall under Other Health Disability**

COVID Appendix: Valid for the 2021-2022 School Year

### Face masks exceptions -

2. Schools should develop a policy regarding wearing a mask. Tell the students and staff about the policy and post it in the building.
3. A student with special education or a 504 plan can be exempt from wearing a mask, due to their disability.
4. The suggestion would be to hold an IEP meeting with the parent and have the team determine why the student won't wear the mask and what the team decides is appropriate for that student. You could include in the IEP that direct instruction will be provided on how/why to wear a mask. Then record why the student can't wear a mask in the IEP and the Prior Written Notice.
5. Don't discipline a student for not wearing a mask. You also can't limit student participation for not wearing a mask.

### COVID 19 Recovery Services

The Minnesota Legislature passed legislation during the Special Session requiring schools to hold IEP meetings to determine the impact covid and/or distance learning had on a student's ability to make progress.

These meetings need to be scheduled by December 1, 2021. As a practical matter, schools will retain the Annual Due Dates for Fall IEP's, including those in December (provided the Notice of Team Meeting for the Annual IEP meeting for the December meetings was sent by December 1). For these meetings, the team will include a review of the possible impact of covid/distance learning as part of the process in discussing the student's Present Levels of Academic

Achievement and Functional Performance. The team may wish to consider the following discussion points:

- Student missed special education services during the mandated distance learning of 2019-2020 or 2020-2021, regardless of the cause;
- Student regressed and did not recouped skills during the 2020-21 or has recouped early in the 2021-2022 school year;
- Student has not made the expected progress on IEP goals or in general education.

For Annual Dates January to June, the team will need to hold a “Covid Recovery Services” IEP meeting during the between the start of school and December 18 (or the last day prior to the winter break). The meeting is not in lieu of the Annual but is to consider the following discussion points:

- Student missed special education services during the mandated distance learning of 2019-2020 or 2020-2021, regardless of the cause;
- Student regressed and did not recouped skills during the 2020-21 or has recouped early in the 2021-2022 school year;
- Student has not made the expected progress on IEP goals or in general education.

Below is the protocol to be followed:

### **Process for Scheduling Meeting:**

1. For Annual IEP meetings due between the start of the school year and end of December, the protocol for scheduling meeting does not change. Schedule Annual IEP meetings as directed by your Special Ed Director/Special Ed Coordinator
2. For “Covid Recovery Services” IEP meetings (based on Annual IEP meetings due between January and June), reach out to parents to schedule the meeting. Explain the purpose is to review the possible impact of covid/distance learning may have had on their student’s ability to make progress.
  - a. If the parent declines to meet, thank them for their time and tell them the team will still meet in their absence and make the determination about progress. **We are still required to send out the Notice of Team meeting (see “Meeting Notice” below) and to hold the IEP meeting (see “Holding the IEP Meeting” below)**

### **Meeting Notice:**

1. Notice of Team Meeting for Annual IEP meetings between beginning of the school year and end of December:
  - a. In addition to the usual language for Notice of an Annual Meeting (i.e. “The purpose of the meeting is to review your student’s progress on their goals and to develop new goals”), you will add the following statement: “2. To review the

possible impact of Covid/distance learning on your student's ability to make progress in Special Education and General Education.”

- b. The Notice of Team Meetings for the December Annual IEP meetings **MUST** be sent out by December 1.
2. Notice of “Covid Recovery Services” Team Meeting for IEP Meetings for Annual IEP meetings held between January 1 and June:
    - a. “The purpose of the meeting is to review the possible impact of Covid/distance learning on your student's ability to make progress in Special Education and General Education”.
    - b. The Meetings will be held between the start of school and the end of December. Any December meetings **MUST** have the Notice of Team Meeting sent out by December 1.

### **Holding the IEP Meeting:**

1. For Annual IEP meetings, hold the meeting as typical, however, in the process of reviewing the student's progress, ask the question if there was an impact on the student's progress due to covid/distance learning. The team is also to consider if the student has regressed socially/emotionally/behaviorally due to covid/distance learning. It is recommended the team begin by reviewing the Progress Report from the end of the previous school year. If the box “Adequate Progress” has been checked, the implied decision is the student was not impacted. However, the team may review additional data to make the appropriate decision for that individual student. If there was an impact, the team has four options:
  - a. Add goals to the IEP to address the needs. This may require additional service time.
  - b. Add time to the services already being provided
  - c. Offer compensatory services. Compensatory services are above and beyond the current services. Compensatory services are not provided during the school day and could be delivered before/after school, on weekend, during breaks or during the summer.
  - d. Determine the student qualifies for ESY under “unique needs” and plan to provide ESY the following summer
2. The decision will be documented in the subsequent PWN (see “Annual IEP PWN” below)
3. For “Covid Recovery Services” IEP meetings for the winter/spring Annuals (January-June), the team members will meet and ask the question if there was an impact on the student's progress due to covid/distance learning. The team is also to consider if the student has regressed socially/emotionally/behaviorally due to covid/distance learning. It is recommended the team begin by reviewing the Progress Report from the end of the previous school year. If the box “Adequate Progress” has been checked, the implied decision is the student was not impacted. However, the team may review additional data

to make the appropriate decision for that individual student. If there was an impact, the team has four options:

- a. Add goals to the IEP to address the needs. This may require additional service time.
  - b. Add time to the services already being provided
  - c. Offer compensatory services. Compensatory services are above and beyond the current services. Compensatory services are not provided during the school day and could be delivered before/after school, on weekend, during breaks or during the summer.
  - d. Determine the student qualifies for ESY under “unique needs” and plan to provide ESY the following summer
4. The decision will be documented in a PWN (see “Recovery Services Review PWN” below)

### **Prior Written Notices:**

1. Annual IEP PWN (no impact):
  - a. If the team determines there was no impact, for Question 1 of the PWN, in addition to the usual language on the District proposing to implement the IEP as discussed, add: “the team has also determined the student was not impacted by covid/distance learning.”
  - b. For Question 2, in addition to the reason for the development of the new IEP, add: “the decision for no additional goals or services due to covid/distance learning was based on the team reviewed past progress reports and other data.”
  - c. Questions 3 remains the same as usual
  - d. Question 4: “The team considered adding compensatory service and/or other supplemental supports due to covid/distance learning but determined they were not needed.”
  - e. Question 5: Add, “Recent legislation required IEP teams to review the possible impact covid/distance learning may have had on the student’s ability to make progress. The team has fulfilled this requirement.”
  - f. Mail the IEP and PWN to the Parent.
2. Annual IEP PWN (team determined there was an impact):
  - a. If the team determines there was an impact, for Question 1 of the PWN, in addition to the usual language on the District proposing to implement the IEP as discussed, add: “the team has also determined the student was impacted by covid/distance learning and the following (fill in the blank) [additional services/goals/time have been determined necessary to compensate for the loss of progress]”
  - b. For Question 2, in addition to the reason for the development of the new IEP, add: “the decision for additional services/goals/time have been determined necessary to compensate for the loss of progress due to covid/distance learning was based on the team reviewed past progress reports and other data.”
  - c. Questions 3 remains the same as usual

- d. Question 4: “The team considered not adding compensatory service and/or other supplemental supports due to covid/distance learning but determined additional services are needed.”
  - e. Question 5: Add, “Recent legislation required IEP teams to review the possible impact covid/distance learning may have had on the student’s ability to make progress. The team has fulfilled this requirement.”
  - f. Mail the PWN to the parent.
3. Recover Services IEP Meetings (no impact) PWN:
- a. If the team determines there was no impact, for Question 1 of the PWN, write: “The team has also determined the student was not impacted by covid/distance learning.”
    - i. If the Parent was not present, add, “Parent gave the team permission to meet in their absence.”
  - b. For Question 2, write: “The decision for no additional goals or services due to covid/distance learning was based on the team reviewed past progress reports and other data.”
  - c. Questions 3 remains the same as usual
  - d. Question 4: “The team considered adding compensatory service and/or other supplemental supports due to covid/distance learning but determined they were not needed.”
  - e. Question 5: Add, “Recent legislation required IEP teams to review the possible impact covid/distance learning may have had on the student’s ability to make progress. The team has fulfilled this requirement.”
  - f. Mail the PWN to the parent.
4. Recovery Services IEP Meetings (impact)PWN:
- a. If the team determines there was an impact, for Question 1 of the PWN, write: “The team has also determined the student was impacted by covid/distance learning and the following (fill in the blank) [additional services/goals/time have been determined necessary to compensate for the loss of progress]”
    - i. If the Parent was not present, add, “Parent gave the team permission to meet in their absence.”
  - b. For Question 2, write: “The decision for additional services/goals/time have been determined necessary to compensate for the loss of progress due to covid/distance learning was based on the team reviewed past progress reports and other data.”
  - c. Questions 3 remains the same as usual
  - d. Question 4: “The team considered not adding compensatory service and/or other supplemental supports due to covid/distance learning but determined additional services are needed.”
  - e. Question 5: Add, “Recent legislation required IEP teams to review the possible impact covid/distance learning may have had on the student’s ability to make progress. The team has fulfilled this requirement.”
  - f. Complete an amendment to the IEP for the services/supports the team has decided upon. **Even though the team has decided to add services/goals/supports to the**

**IEP, this will be an Amendment and WILL NOT change the Annual due date**

- g. Mail the amended IEP and PWN to the Parent.

The meeting must include the IEP team: Parent, at least one general ed teacher, Special Ed teacher, Administrator (or designee) and related services. The excusal process may be used, but MDE cautions schools not to be too liberal in the use of the excusal process.

Additional considerations:

- If the parent is unavailable, the school team should document the efforts to obtain effort and continue with the review of the IEP and potential need for COVID-19 Recovery Services.
- The school should consider whether there is a new area of disability. (ex. Did the student develop anxiety or some other condition during COVID-19 that requires evaluation?)
- IEP analyzes whether the student requires COVID-19 Recovery Services:
  - The team should consider data from:
    - Academic goals
    - Functional goals
    - Behavioral Goals
    - Social/emotional or mental health needs
  - “Data” may be:
    - Parent observation, information
    - Outside provider information
    - School professionals’ observations
    - Progress data
    - Screenings
    - Any other information that is helpful to the team
  - IEP teams should consider these questions:
    - Did the student regress during COVID-19 closures?
      - Academics
      - Functional Skills
      - Behavioral
      - Social/Emotional
    - Did the student not make the expected progress in any area?
      - Academics
      - Functional Skills
      - Behavioral
      - Social/Emotional
    - MDE has provided sample questions summarized below to aid in this determination.
      - What services did the student receive during distance learning or hybrid learning?
      - What IEP/504 services were not delivered or accessed regardless of the cause?

- What are the current levels of performance and how do they compare with prior levels?
  - What does the data show regarding student's progress towards IEP goals and in general education?
  - Is progress comparable to prior years or expected progress?
- The IEP team determine the type and amount of Services
  - Type of service?
    - Extended School Year Services
    - General Education Recovery Services
    - Revised IEP Services
  - COVID 19 Compensatory Services
  - How long does the team estimate the student will require services? (ex. 5 sessions of 15 minutes)
  - When will the services be provided? (i.e., after school, summer, school breaks)
- If parents disagree or the IEP team cannot come to agreement, the parties should use the alternative dispute resolutions methods in the IDEA (conciliation, mediation, another IEP meeting, facilitated IEP, complaint, or hearing)

## **ESY**

Extended School Year (ESY) services are special education instruction and related services for students with disabilities who demonstrate the need for continued services on days when school is not in session for all students. Teams determine eligibility for this through documenting regression, self-sufficiency, or unique need (due to covid/distance learning impact). Case managers need to follow the normal procedures and documentation for ESY services.

## **General Education Recovery Services**

Each year, schools may offer a general education recovery (targeted services). Individual teams can (and should) encourage students with IEPs to register for such services.

## **Revised IEP Services**

IEP teams can decide to give students a "boost" of services during the regular school year by increasing their special education time through the regular IEP process. Any new or increased IEP services must be documented in the student's IEP, and parents must be provided a prior written notice prior to any change in the provision of FAPE to their student. For the "Covid Recovery Services IEP" meetings, the team may also choose to use the Amendment Process. If so, the documentation still exists, but the Annual due

## **Documentation of Revised IEP Services on the IEP**

At a regular IEP meeting, teams can discuss revised IEP Services. Document the increased time on **page 6** in the "Services" section of the IEP.



- Revised IEP Speech Services due to COVID 19
- Revised IEP Reading Services due to COVID 19
- Revised IEP Writing Services due to COVID 19
- Revised IEP Math Services due to COVID 19
- Revised IEP Transition Services due to COVID 19
- Revised IEP Early Childhood Developmental Skills Services due to COVID 19
- Revised IEP Functional Academic Skills Services due to COVID 19
- Revised IEP Social Skills Services due to COVID 19

An example might be a student with speech (substitute speech with any other service) services. Currently, they have two 20-minute sessions a week. The team may decide, because of COVID, that the student will be able to catch up if they get more speech services. The IEP team can decide to add 10 minutes to each session to catch up. If a student needs revised IEP services, this would be documented on the services grid by adding a service called: "Revised IEP Speech Services due to COVID 19" 10 minutes 2 x per week. Any new or increased IEP services must be documented in the student's IEP, and parents must be provided a prior written notice prior to any change in the provision of FAPE to their student.

### **COVID 19 Compensatory Services**

Teams can decide to award extra special education services (above, beyond and outside of the school day) to students who have been significantly impacted by the pandemic and need intensive recovery support in addition to the normal IEP services, revised IEP services, and ESY services included in their IEPs. While teams can award COVID-19 Compensatory Services, please discuss this with one of the Directors before discussing it with the parents.

Currently, we are offering COVID 19 Compensatory Services for select students in our setting III resource rooms. The statement to use in their IEPs goes on Page 6 under Least Restrictive Environment:

Because of possible learning loss due to school closures during the COVID 19 pandemic, NAME will be provided six - four-hour sessions of summer programming during the summer of 2021 as COVID 19 Compensatory Services.

### **Tracking Services**

MDE has informed Districts these meetings will need to be tracked. Data points have not been clarified, but case managers should be prepared to list when the meeting was held and the decision regarding provision of service(s). **See your Director of Special Education for a tracking instrument.**