

Minnesota Valley Education District

2015-2016 School Year

Part B Due Process and Procedures Manual

Serving the School Districts of:

Cleveland

Lake Crystal Wellcome Memorial

Le Sueur Henderson

Maple River

Nicollet

St. Clair

St. Peter

It is the responsibility of all Special Education Staff to review and use this information throughout the school year and they are responsible for all of the information contained therein. Updates to the manual will occur as information for compliance and best practice becomes available during the school year. Staff must be referring to information from the current school year. Printed copies of this manual should be discarded a new copy printed annually at a minimum. Questions can be directed to Anna Fleischmann: Director of Special Education (507) 934-5420 or annaf@mnved.org or Melissa Wagner, Special Education Coordinator (507) 934-5420 x226 or mwagner@mnved.org

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- Speech Language Impairment - 8/15/12
- Traumatic Brain Injury - 8/15/12
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Timelines-

Referrals/Evaluation Timelines:

- No initial evaluation can begin without signed consent from the parent.
- A student who has been identified must have a comprehensive re-evaluation every three years at a minimum.
- Re-evaluations can commence 14 calendar days after a school district sends out the Evaluation PWN if parents have not responded.
- Once you have signed consent (or after fourteen calendar days for a re-evaluation) you have 30 SCHOOL days to complete all of the assessments and have the parent meeting to review the results of the assessment. (Helps to set the Evaluation Reporting meeting at the start so testing staff know when they must have testing done and information in report by).
- Finalized Evaluation Reports should be sent out within 15 SCHOOL days of the meeting.

IEP Timelines:

- Once you determine that student is eligible, you should have an IEP written within 10 SCHOOL days of the meeting (you have 30 calendar days to do this by law, but MVED expects quicker turn around than that.)
- Finalized IEP's should be out within 10 SCHOOL days of the meeting. PWN's should be done within 48 hours of a meeting.
- The proposed start date for services should fourteen calendar days from the date of the PWN as parents have 14 days to refuse the proposal in writing. If the start date is sooner, make sure you have a signature on the PWN.
- Initial IEP's cannot commence without a parental signature on the initial PWN.
- When a new student transfers to your district, you can start them as you are able and then you have 30 calendar days to meet as an IEP team to either accept the IEP and evaluation as written or re-write IEP and conduct a new assessment.
- IEP's must be revised at least annually or when a student has met any of their goals.

Secondary Transition Timelines:

- Transition needs to be addressed during a student's ninth grade year at the latest.
- Students must be informed of the transfer of majority rights by their seventeenth birthday.

Student Files-

Permanent Files:

All due process paperwork needs to be kept as a part of a student's permanent record. This includes (at a minimum) the following:

1. Pre-referral interventions and documentation.
2. Initial Prior Written Notice for an Evaluation including the parent's signature.
3. Initial Evaluation Report.
4. Initial Individual Education Plan.
5. Initial Prior Written Notice for an IEP including the parent's signature.
6. All meeting notices for IEP and Evaluation Meetings.
7. Progress Reporting on all Individual Education Plans.
8. All subsequent Evaluation Reports.
9. All subsequent Individual Education Plans.
10. All subsequent Prior Written Notices for evaluations, IEPs and all changes to a student's programming.
11. Manifestation Determinations.
12. Records for the use of Restrictive Procedures and Staff Debriefings following the use of Restrictive Procedures (Physical Restraints and/or Seclusions).
13. Documentations supporting two or more attempts to notify parents of meetings (if they are not in attendance).

Staff may choose

Working Files:

- Staff may keep a working copy of files for up to one year for a student. The working file may include handwritten notes, communication logs, behavior charts and documentation, etc.
- Anything that is retained for more than one year needs to be transferred to a student's permanent record.
- Staff should consider what is being retained in a working file and for how long as some things should not become part of a student's school record. Some of these things may include: Confidential mental health assessments from outside agencies (Diagnostic Assessments, Psycho-sexual Assessments, etc.), Child Protection and Police Reports. Information that is beneficial for other school staff to understand the needs and functioning of a student, should instead be cited in the student's evaluation report in an accurate and well documented manner.

Notification-

Prior Written Notices (PWNs) are the legal notice required to be completed any time a district proposes or refuses to initiate or change the identification, evaluation, educational placement or provision of FAPE (Free and Appropriate Public Education) to a child.

- PWNs are required PRIOR TO providing a service to a student.
- All acronyms must be defined at least once in each notice.
- The PWN must be translated to a parent's 'native language' if they cannot understand English.
- If a district provides an interpreter for materials or meetings it must be documented.

Prior Written Notice of an Evaluation: Written summary of what was discussed at an evaluation planning meeting for a student.

Description of the action(s) proposed or refused by the district:

This is your list of proposed tests that you will complete for a student.

Sample of Noncompliance:

Three-year reevaluation.

Sample of Compliance:

The district is proposing to conduct a three year reevaluation. Specific data to be reviewed assessments to be conducted are documented in the attached evaluation plan.

Sample of Noncompliance:

| | | |
|--------------------------|-----------------|------------|
| Intellectual Functioning | WISC-IV or UNIT | SpEd Staff |
|--------------------------|-----------------|------------|

Sample of Compliance:

| | | |
|--------------------------|--|---------------------|
| Intellectual Functioning | Wechsler Intelligence Scale for Children, Fourth Edition (WISC-IV) | School Psychologist |
|--------------------------|--|---------------------|

Explanation of why the district proposes to take or refused to take the action:

Why the district wants to evaluate a student for services.

Sample of Noncompliance:

It's time.

Sample of Compliance:

The Individual Education Program (IEP) team determined that the evaluation procedures outlined in this Prior Written Notice were necessary to determine the student's current educational needs.

Sample of Noncompliance:

Jessica is failing.

Sample of Compliance:

Pre-referral interventions were unsuccessful. Jessica's teachers continue to have concerns regarding her academic progress.

Description of each evaluation procedure, test, record, or report the district used as a basis for the proposed action or for refusing the requested action:

- The information used to decide what tests will be given to a student.
- Drop downs are sufficient in this area- Be sure they include input from parents and student (if appropriate) as well as documentation/records, etc.

These could include:

- Parent and teacher input
- Classroom performance
- Formal Assessment results
- Progress on previous IEP goals and objectives
- Results of pre-referral interventions
- Data collected as part of Scientific Research-Based Intervention (SRBI)

Description of other options the team considered and the reasons why those options were proposed or rejected:

This is always required. There are always other options that should have been discussed.

This could include:

- Delaying the evaluation
- Conducting additional pre-referral interventions
- Conducting different assessment procedures
- Just reviewing existing data

Sample of Noncompliance:

The team considered all relevant options.

Sample of Compliance:

The team considered adding an additional reading assessment to the evaluation plan, but decided against that option because all educational needs could be determined without additional assessment.

Sample of Noncompliance:

No other options were considered.

Sample of Compliance:

The team considered delaying the evaluation until another pre-referral intervention was implemented, but decided against that option because the student's behavior has made the need for the evaluation urgent.

Description of other factors affecting the proposal or refusal:

Other factors could include:

- Behavior
- Limited English proficiency
- Blind or Visual Impairments
- Communication Needs
- Assistive Technology

It is sufficient to write "None" in this section if no evidence of other factors that should be considered.

Sample of Compliance:

Ryan has a diagnosis of Attention Deficit/Hyperactivity Disorder (ADHD) and will need testing sessions broken down into smaller segments to obtain optimal results.

Prior Written Notice: Written summary of what was discussed at an IEP or evaluation planning meeting for a student.

- Complete any time the district is proposing (or refusing) an action for a student.
- Parents sign off on the PWN, not the IEP or Evaluation Plan itself.
- Make sure the dates on the signature page have been changed to the date the PWN was written. They do not automatically update on SpEd Forms.
- The PWN should always highlight what makes this proposed IEP different from the previous IEP.

Description of the action(s) proposed or refused by the district:

- For an INITIAL IEP, the action may refer to an attached IEP. Specify the IEP date and generally describe the contents:

Sample of Noncompliance:

See attached IEP.

Sample of Compliance:

The district is proposing to implement an initial Individual Education Program (IEP) for Specific Learning Disabilities (SLD) services as discussed at the IEP Team Meeting on October 14, 2011. Please see attached IEP.

- For an ANNUAL IEP, the action should describe specific goals, services and/or changes from the previous IEP (i.e. What is new in the proposed IEP):

Sample of Noncompliance:

Annual IEP.

Sample of Compliance:

The district is proposing to provide continued direct instruction in reading to address Johnny's Specific Learning Disability. He will continue to receive services in the resource room as well as accommodations and modifications in the classroom.

Explanation of why the district proposes to take or refused to take the action:

Why is the district proposing the changes to the IEP (or the Initial IEP).

Sample of Noncompliance:

It's time for a new IEP.

Sample of Compliance:

George has not made sufficient progress on his Individual Education Program (IEP goals) and continues to demonstrate a need for special education and related services to address his Specific Learning Disability in reading.

Sample of Noncompliance:

Elizabeth qualifies for special education.

Sample of Compliance:

Elizabeth has been identified with a Specific Learning Disability in reading and requires direct instruction in order to make sufficient academic progress.

Description of each evaluation procedure, test, record, or report the district used as a basis for the proposed action or for refusing the requested action:

- This is the underlying data used to inform the changes.
- Drop downs are sufficient in this area- Be sure they include input from parents and student (if appropriate) as well as documentation/records, etc.

These could include:

- Parent input (mandatory)
- Teacher input
- Classroom performance
- Formal assessment results
- Progress on previous IEP goals and objectives

Description of other options the team considered and the reasons why those options were proposed or rejected:

- There must always be other options considered by the team for a student.

This should include:

- Placement decisions
- Adding a service and/or increasing service time
- Discontinuing a service and/or decreasing service time
- Accommodations and modifications
- Location of service provision (setting I, II,III,IV, etc)
- A good rule of thumb is to make sure the team talks about both more and less restrictive services at team meetings. This will aid the IEP writer in being able to write a comprehensive LRE in the IEP. This section will provide the justification that the proposal is the LRE the student can be served in. **“No other options were considered.” – Not compliant.**

Sample of Noncompliance:

The team considered all relevant options.

Sample of Compliance:

The team considered placing Connor in a setting four placement but decided against that option because he is making sufficient progress in the setting three placement as indicated by progress reports and teacher input.

Sample of Noncompliance:

The team considered increasing or decreasing service time, but determined the services proposed in the IEP are best to meet the needs of the student.

Sample of Compliance:

The team considered reducing Kayla’s service time for reading but decided against that option because the team feels the current amount of service time for reading is necessary to meet Kayla’s needs as based upon recent progress measurements and reports.

Description of other factors affecting the proposal or refusal:

- There do not need to be other factors.

Other factors could include:

- Behavior
- Limited English proficiency

Meeting Notices:

- Meeting notices must include the following information:
 - Date, time and location of meeting
 - Purpose of the meeting
 - Who will be in attendance at the meeting
- You must have two documented attempts to ensure parental attendance to a meeting if a parent did not attend.
- You may use electronic correspondence for notification, but it must include all of the mandatory elements listed above.
- The student must be invited to a meeting if postsecondary goals and transition will be discussed.

Evaluation and Eligibility-

- Must include information from previous formal and informal assessment data and any outside evaluation data. DON'T JUST WIPE OUT INFORMATION FROM PREVIOUS EVALUATION REPORTS! YOU NEED SOME OF THAT INFORMATION IN THE NEW REPORT!
- Initial Evaluation Reports should include all pre-referral intervention data as well!
- Disability categories require specific assessment data to determine eligibility as indicated in the specific eligibility criteria.
- When one of the required data elements is missing, the evaluation would not be sufficiently comprehensive.

For example:

- FBA required for EBD
- Information Processing data required for SLD
- ALL evaluations must be comprehensive. Secondary transition, an additional speech/language assessment cannot stand alone.
- **Team Overrides:** Team's must contact the Director of Special Education prior to qualifying a student on a Team Override.
- If a district receives an evaluation report from another district, it must be reviewed for compliance. If it is not adequate, a new evaluation needs to be done by the receiving district.
- Out of state evaluations must include all of the components required by the state of Minnesota, if an out of state evaluation does not have all of the requirements, a new evaluation needs to be completed.

Comprehensive Evaluation/Re-Evaluation Planning Worksheet: Minnesota K-12 Requirements

_____ Intellectual: School Psychologist

- New or review of previous testing required for all disability areas (except OHD: But recommend including)
- Basic Psychological Processes (Required for SLD)

_____ Academic: Special Education Teacher

- Current levels need to be measured (Woodcock-Johnson)
- Don't forget to include review of grades/testing from Gen. Ed.

_____ Social, Emotional, Behavioral: School Psychologist/Special Education Teacher/School Social Worker

- Behavior Rating Scale: Required for EBD, recommended for other labels if concerns exist
- Functional Behavioral Assessment: Required for EBD, Needed for any other labels if behavioral concerns exist

_____ Communication: Speech/Language Clinician

- Concerns/questions about expressive and/or receptive language skills, should at least include a screener on the assessment.

_____ Motor Skills: Physical Therapist/Occupational Therapist/DAPE

- Fine Motor Concerns: Handwriting, cutting, etc.
- Gross Motor Concerns: Coordination, etc.

_____ Functional Ability: How does disability affect everyday life skills?

- Physically disabled students need an assessment of how it affects their functioning
- Cognitively delayed students need an assessment of their adaptive skills

_____ Physical Status: Medical Concerns/Documentation

- OHD Assessments: Who is obtaining doctor statement
- POHI: Any physical disability that affects functioning in school

_____ Sensory Status: School Nurse/Occupational Therapist

- Vision and Hearing Status: Should be updated for all assessments
- Other Sensory Needs: Consult OT

_____ Transition (including Vocational): Special Education Teacher/Work Experience Coordinator

- Consider adding initial evaluation beginning in 7th grade. Must be done by/during grade 9 (age 14)
- Needs to include two assessment tools and one must be a formal test

_____ Developmental History/Parent Interview:

- Required for all ASD initial and re-assessments
- Recommended for ALL assessments

_____ Observations

- EBD: Three systematic observations
- OHD: One or more observation (Special Education Teacher)
- SLD: One observation in content area of difficulty
- ASD: Two observations on two days in two separate settings
- DCD: Two systematic observations

- Specific Learning Disability: Students qualify in the following area if their corresponding subtests are .62 or lower on the Minnesota Regression Table.
- Each of the specific checklists for criteria are available on the Minnesota Department of Education web site or Appendix B of this manual.
- <http://education.state.mn.us/MDE/SchSup/ComplAssist/Monitoring/Checklists/>

Information from Parents:

- All evaluations must include information from the parents. This can be a developmental/social history, having parents complete behavior rating scales or other measures to determine input or other means, but must always be comprehensive to the functioning and needs of the student.
- For ASD developmental histories are mandatory. They are recommended to be included for all comprehensive assessments.

Functional Behavioral Assessments:

- A functional behavior assessment should utilize a variety of strategies including observations, interviews and a review of records.
- FBAs are required for all EBD assessments. They should also be completed for any student who is demonstrating behaviors that are interfering with their functioning in the school setting.
- If a behavioral need is identified by an FBA, a Positive Behavioral Support Plan (PBSP) must be completed in the student's IEP.
- FBAs must include ALL of the following information:
 - A description of the target behaviors and their frequency, severity and duration:
 - A description of the events, times and situations that predict the occurrence and nonoccurrence of the target behaviors:
 - A description of the antecedents, consequences and other reinforcers that maintain the target behavior:
 - A description of the apparent functions of the target behaviors and possible appropriate replacement behaviors:
 - 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:
 - Summary statements and hypotheses about the purposes of the target behaviors that will assist in the development of the child's behavioral intervention plan:
 - A description of any other evaluation data that may assist in the development of an appropriate behavior intervention plan for the child:
 - An evaluation of proposed regulated interventions and contraindication of any regulated interventions:

Comprehensive Summary and Present Levels of Performance:

- An evaluation report must include a comprehensive summary of all evaluation results. (Summarizing each section or test is not sufficient) This summary must discuss the findings of the entire evaluation for an overall picture of the student's functioning, strengths, weaknesses and needs.
- It should address **all areas** evaluated and draw information from multiple measures for each area evaluated and informs present level (PLEP) and educational needs statements.
- A good summary will provide the present levels of performance. This should not need to be in a separate section of the evaluation report.
- Should include more than test scores. Should also address performance information including observations, work samples, curriculum-based measures, informal procedures and progress on current goals/objectives.

Sample of Noncompliance:

Anthony scored a 69 in the area of reading comprehension on the Woodcock Johnson Achievement Test.

Sample of Compliance:

Anthony scored a 69 in the area of reading comprehension on the Woodcock Johnson Achievement Test. His teachers report that he is currently reading at a 500 Lexile level (peers are at a 700-1000 Lexile level), and becomes easily frustrated when presented with tasks related to reading comprehension or fluency. His parents report that he needs extra help with homework at home.

Special Education Needs That Derive From The Student's Disability:

- This is the MOST CRITICAL part of the student's evaluation. The needs will drive the student's IEP for the next three years.
- Be comprehensive and list all educational skills and/or behaviors that need improvements in order for the child to participate and progress in the general education curriculum.
- Educational needs must be related to the disability and must indicate a need for specialized instruction or direct services.

Modifications and Adaptations:

- An Evaluation Report must include whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in a student's IEP to participate as appropriate in the general education curriculum.
- I.E> What additions or modifications will the IEP team need to spell out/detail when developing or revising the IEP (Possibly for the next three IEP's)?

Sample of Noncompliance:

Patrick will need some accommodations and mild modifications in addition to special education services.

Sample of Compliance:

Patrick will need the use of a word processor to complete lengthy written assignments. The IEP team will also need to determine the best method by which to reinforce multiple-step instructions for Patrick due to his significant deficits in sequencing oral information.

Individual Education Plan's (IEPs)-

- Once you determine that student is eligible, you should have an IEP written within 10 SCHOOL days of the meeting (you have 30 calendar days to do this by law, but MVED expects quicker turn around than that.)
- Finalized IEP's should be out within 10 SCHOOL days of the meeting. PWN's should be done within 48 hours of a meeting.
- When a new student transfers to your district, you can start them as you are able and then you have 30 calendar days to meet as an IEP team to either accept the IEP and evaluation as written or re-write IEP and conduct a new assessment.

Present Levels of Academic Achievement and Functional Performance (PLAAFP):

PLAAFP should answer two questions:

1. What are the student's present levels as related to the needs identified in the evaluation report or any previous IEP?
2. How does the student's disability affect the student's general involvement and progress in the general education curriculum?

Functional Performance Definition: Skills or activities that are not considered academic or related to the child's academic achievement. Instead, "functional" is often used the context of routine activities of daily living.

PLAAFP should include:

- More than just test scores
- Information on how the disability impacts progress and/or participation in the general education curriculum
- A measurable baseline/starting point for all annual goals – Do NOT use vague or subjective terms, i.e. define what is meant by 'improve' (improve from ____ to ____)

Sample of Noncompliance

Jamal is presently a 10th grade student. Last year his grades were mostly A's and B's. He struggles with writing and spelling.

Sample of Compliance

Jamal knows many mechanical rules. He correctly capitalizes and uses appropriate ending punctuation for all of his sentences. However, in a recent writing sample he was unable to spell sight words such as 'could' and 'respect' as well as many of the shorter words (five letters or less). Due to his written expression difficulties, he will need to continue to work on spelling.

Sample of Noncompliance

Martin has a Full Scale IQ score of 86. He did not meet expectations on his MCA reading or math scores. Martin has many behavior incidents, although the severity of the incidents has lessened.

Sample of Compliance

Martin's intellectual abilities fall within the average to low average range. His memorization and processing speed were relatively strong compared to lower reasoning and conceptual thinking skills. Classroom teachers note that Martin is turning in assignments on time, responds well to redirection and is beginning to interact positively with peers. Martin has had seven behavioral incidents this school year compared to sixteen during the last school year. Five of these

incidents were due to peer conflict and three of those led to disruptive behavior and his removal from the classroom. Although the severity of behavioral incidents has decreased, negative peer interactions are keeping Martin out of class, preventing him from focusing in class and thus result in him falling behind in academics.

Short and Long Term Goals and Objectives:

A statement of measurable annual goals including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved and progress in the general curriculum.

- Are these goals measurable?
 - Include a clear starting level/baseline and an ending level
 - Measurability can be found in the objectives
 - "Age appropriate" or "grade level" are not measurable unless the IEP *clearly* describes what this means

SMART GOALS: Specific, Measurable, Attainable, Results Driven, Time-Bound

- Are the educational needs addressed from the PLAAFP?
- Are all *other* educational needs addressed from the PLAAFP?
- Are there at least two benchmarks or objectives for the goal?
- Can this goal be met within a year?

Annual goals that relate to **attendance, passing state assessments, earning passing grades** and/or **earning credits for graduation** are goals of *all* students are not considered specialized instruction.

- Goals can address the reasons *why* students may be failing or missing school, but attending school cannot be the goal itself.

Sample of Non-Compliance

Tori will pay attention and not disrupt the class.

Sample of Compliance

Tori will decrease her verbal outbursts (yelling, arguing or crying) that cause the teacher to stop instruction from an average of three per hour to two or less per day.

Sample of Non-Compliance

Martha will pass the statewide assessment for writing.

Sample of Compliance

When given a three paragraph writing assignment, Martha will include a topic sentence and at least three supporting details and progress from 50% to 85% accuracy in writing mechanics.

Sample of Non-Compliance

Muna will increase her ability to decode from a level of not recognizing letters to sounding out simple words.

Objective 1: Given a set of randomly presented letters, Muna will be able to identify the letters.

Objective 2: Given a set of mixed sight words, Muna will read them silently by the end of the year.

Sample of Compliance

Muna will increase her ability to decode from a level of not recognizing letters to a level of sounding out simple words and reading simple sight words.

Objective 1: Given a set of randomly presented upper and lower case letters of the alphabet , Muna will identify 52 of 52 letters on two consecutively charted trials by June 2012.

Objective 2: Given randomly presented letters of the alphabet, Muna will produce 26 of 26 letter sounds on two consecutively charted trials by June 2012.

Objective 3: Muna will read 50% of the sight word list on two consecutively charted trials by June 2012.

Least Restrictive Environment (LRE):

Justify the student's placement as the least restrictive environment by:

1. Describing the placement and
2. Explaining the necessity of the restrictiveness of the placement outside of general education based upon the severity of the student's disability.

The LRE must answer these questions:

- Why is the nature and severity of the child's disability so severe that they must be removed from general education to receive services?
- What *specifically* is the child missing with their general education peers when pulled out for direct services in the special education setting?
- Does the LRE statement match the service grid information?

Sample of Noncompliance

Ricky will spend no less than 79% of his school day in the general education setting with his peers. He will receive the majority of his special education services in the general education setting.

Sample of Compliance

Ricky needs intensive social skills instruction and practice in a small group situation in order to improve his ability to resolve conflict and cooperate with peers. He will receive this instruction from the social worker and EBD teacher while his peers are in study hall.

Sample of Noncompliance

Sue needs a quiet environment with few distractions in order to progress in her academics. She will also use the resource room to organize her materials and complete classroom assignments when needed.

Sample of Compliance

Due to Sue's significant information processing deficits in the areas of auditory acquisition and organization related to sequencing words, she needs small group reading instruction with repeated directions in multiple formats. Therefore, she will be removed from general education reading to receive this instruction.

Special Education and Related Services:

Services for special education students are developed to:

- Advance a student appropriately toward attaining their annual goals
- Be involved and progress in the general education setting and curriculum
- Participate in extracurricular and other non-academic activities

Documentation of services may be located in any of the following areas of the IEP:

- The IEP service grid
- Modifications section of the IEP
- Paraprofessional section of the IEP
- In the Positive Behavior Support Plan (PBSP)

Services must be written very specifically and cannot include phrases like, “may need”, when necessary”, or “and/or”.

Supplementary Aids and Services:

What they are and who will provide them-

- Adapted Equipment (special seat or cut out cup for drinking, etc.)
- Adapted Materials (books on tape, highlighted notes, etc.)
- Special Technology (word processor, unique software, communication system, etc.)
- Peer tutors
- One to one aide

Sample of Noncompliance

Alita may need special supplies in order to participate in classes requiring spelling.

Sample of Compliance

Alita’s case manager will provide each of her regular and special education teachers with raised line paper and $\frac{3}{4}$ ” foam pencil grips for her to use when completing assignments requiring writing.

Adaptations and Modifications:

- A modification is a change in what is being taught to or expected from a student.
- The IEP must clearly describe any program modifications that staff must provide to a child.

Sample of Noncompliance

Steve may access the resource room for completing math assignments as needed.

Sample of Compliance

Steve may access the resource room for the last half of his regular education math class if he is expressing difficulty in understanding the assignment despite clarification from the regular education teacher. Resource room staff will provide written directions and relevant math manipulatives to reinforce understanding.

Sample of Noncompliance

Tyrone will be allowed assignment modifications as necessary in classes requiring reading, math and written expression.

Sample of Compliance

Tyrone will receive a copy of teachers' notes for reading and math classes. He will receive extra time to complete all assignments requiring more than one paragraph. For writing assignments longer than one page, he may use the classroom or school library computer to complete.

Modification of Assessments:

Positive Behavior Support Plans (PBSP) or Behavior Intervention Plans (BIP):

- If a student has a Functional Behavioral Assessment (FBA) that indicates a need, they must have a PBSP completed as a part of their IEP.
- ALL EBD students must have a PBSP.
- Students with behavioral difficulties must have programming that includes what new skills the student will be taught. There cannot just be goals to reduce a behavior without a written description of how and when the student will learn to improve their behavior.

Progress Reporting:

Five Components of Progress Reporting that need to be in the IEP:

1. How the child's progress toward annual goals will be measured.
Found in the goals and objectives
1. When periodic reports on the progress the child is making toward meeting the annual goals will be provided. (Must be as often as Gen. Ed. Reports are generated: Quarterly or eight times a year if mid-terms go out.)
2. How the parents will be informed of their student's progress: Written reports, meetings, phone calls, etc.
3. The extent to which progress is sufficient to enable the pupil to achieve the goals by the end of the year.
 - Just checking 'adequate progress' is not enough information
 - Progress must be reported on goals and every objective (not just the overall goal)
 - The pupils progress toward the annual goals.

Extended School Year:

School districts are required to provide Extended School Year (ESY) services to a pupil if the IEP team determines the services are necessary during a break in instruction in order to provide FAPE. In making its determination, the IEP team must consider the following factors:

- Student's progress and maintenance of skills during the regular school year;
- Student's degree of impairment;
- Student's rate of progress;
- Student's behavioral or physical problems;
- Availability of alternative resources;
- Student's ability and need to interact with non-disabled peers;
- Area's of the student's curriculum that need continuous attention; and/or
- Student's vocational needs.

The student is eligible for ESY services if he/she meet one or more of the following requirements:

1. Regression/Recoupment: There will be a significant regression of a skill or acquired knowledge from the student'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.

- a. Identify the ongoing data collection (i.e. pre/post break testing, progress reports, grades, observations, etc.) that documents a problem with regression/recoupment.
2. Self Sufficiency: The student, who is in a functional curriculum, has the one or more of the following skills identified as goals in his/her IEP: Basic communication; impulse control; muscular control; personal hygiene; physical mobility; basic self help, including toileting, eating/feeding and dressing; development of stable relationships with peers and adults; functional academic competency, including basic reading, writing, concepts of time and money, and numeral or temporal relationships.
 - a. Taking into consideration the pupil's age, level of development, the nature and degree of the disability, the timeliness for teaching the skill and the critical nature of the functional skill(s), identify the longitudinal data (i.e. ongoing data collection, test scores, progress reports, observations, etc.) that indicates the student is not making reasonable progress toward self-sufficiency as identified in one or more goals from the current IEP.
 3. Unique Need: Given the student's unique need(s), the team determines ESY services are necessary to insure the student received FAPE.
 - For students who are eligible for ESY services, the IEP goal(s) to be worked on during the break in instruction need to be identified, along with the type and amount of services necessary to **maintain** the skill or address the self-sufficiency concern.

Developmental Delay(DD) Label (Ages 3-6) -

Transitioning from Part C (Birth to 2) to Part B services:

- All students who are potentially eligible for Part B services must have a transition conference between the child's age of 2 years, 3 months and 2 years, 9 months of age.
- Students should have a Part B evaluation completed in time for them to receive site based services beginning at age 3.

Qualifying students for DD label ages 3-6:

The team shall determine that a child from the age of three years through the age of six years is eligible for special education when:

- the child meets the criteria of one of the categorical disabilities or
- the child meets one of the criteria for developmental delay in criteria. Local school districts have the option of implementing these criteria for developmental delay. If a district chooses to implement these criteria, it may not modify them.

The child:

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

The child's need for special education is supported by:

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

Transition Planning-

During grade 9, the IEP shall address the student's needs for transition from secondary services to postsecondary education and training, employment, and community living. To appropriately evaluate and plan for a student's secondary transition, additional IEP team members may be necessary and may include vocational education staff members and other agency representatives as appropriate.

Transition Assessments:

- Two or more age appropriate assessments needed. One should be a formal assessment.
 - Assessments must be able to provide relevant information about the student related to:
 - Employment
 - Postsecondary Education and Training
 - Home Living
 - Community Participation
 - Recreation and Leisure Activities
- Once a transition assessment is completed for a student, transition must be addressed on the IEP. If a student completes a transition assessment in seventh grade, then transition must be assessed every year beginning with the seventh grade IEP following the assessment.

Transition Goals:

- Must be for the student's outcome AFTER high school.
- Must be appropriate (realistic) for the student.
- Cannot say, "hopes to" or "plans to".
- Must have a goal for training/education.
- Must have an employment goal.
- May have independent living goal (if necessary).
- The other goals must enable the student to meet their transition goals of education, employment and independent living. **They should have a goal for each postsecondary goal.** (i.e. all secondary students should have two goals minimum).
- Measurable Postsecondary Goals do not have Objectives!!!!

Sample of Noncompliance

After high school, Mia is unsure of what she would like to do as a profession.

Sample of Compliance

After high school, Mia will work part time as an assistant hair stylist at a beauty salon.

Sample of Noncompliance

Jamal plans to improve his knowledge of employment by finding three area businesses he could apply at.

Sample of Compliance

Jamal will obtain a full-time position at a landscaping business after high school.

Sample of Noncompliance

George is interested in pursuing a two-year degree.

Sample of Compliance

George will attend the Job Corps Center full time after high school and successfully complete their culinary arts programs to obtain a Culinary Arts Certificate.

Transition Programming:

- Courses of Study must include current academic year as well as the next.
- Need to show a correlation to the postsecondary goals, not just the classes needed to graduate.

Sample of Compliance

Post-Secondary Goal: George will attend the Job Corps Center full time and successfully complete their culinary arts program to attain a Culinary Arts Certificate.

| School Year | Grade Level | Courses of Study |
|-------------|-------------|--|
| 2011-2012 | 9 | Family and Consumer Science (FACS), Business Basics, Basic Geometry, English I, Current Events |
| 2012-2013 | 10 | FACS II, Business Math, Employability Skills, English II, World Culture |
| 2013-2014 | 11 | Advanced FACS, Accounting, Business Communications and Writing, Social Studies, Job Shadow |

- Experiences/services/instruction should be what is necessary for a student to be able to achieve their postsecondary goal.

| Service | Activities | Responsible Agency |
|--------------|---|---|
| Instruction: | <ul style="list-style-type: none"> •Participate in Family and Consumer Science Classes <hr/> <ul style="list-style-type: none"> •Improve Reading Skills •Improve Social-Interaction Skills | General Education <hr/> Special Education and Related Services |

Restrictive Procedures-

- Every district has a policy on the use of Restrictive Procedures: Restraint (Physical Holding of a Student) and Seclusion (Isolation of a Student). You are responsible to know what your district's procedures are.
- Following an incident of Restraint or Seclusion, the incident must be documented in SpEd Forms (See forms attached) as well as a Debriefing of the Incident. These should be finalized into history and two copies MUST be forwarded to MVED within 72 hours to Melissa Wagner. (Fax to (507) 934-5893.
- IEP meetings need to be held after two incidents of Restraint and/or Seclusion within 30 calendar days or a pattern. If a student is restrained and then in seclusion or retrained twice even as a part of a single incident, this is considered two incidents and an IEP meeting should be held.
- Two incidents of police needing to remove or restrain a student within 30 calendar days also necessitates the need for an IEP meeting.
- If a student has been involved in any incident's needing Restrictive Procedures or if the team feels that the student is at risk, these procedures need to be documented in a student's PBSP (Positive Behavior Support Plan) under the "Crisis Intervention Plan" at the bottom. Sample statement:

Regulated procedures of seclusion and/or physical restraint will be used in an emergency situation. If (Student's name) becomes aggressive, assaultive, is endangering himself or others (or attempts to leave the instructional area/school building without permission), he will be physically restrained and escorted to the time-out room by staff or the School Liaison Officer. The door will remain closed until he can demonstrate that he is calm for two minutes. He will remain in the time-out room until he demonstrates calm with the door open for an additional two minutes and completes a resolution process. The student's parents will be notified by phone on the same day any of these procedures are implemented.

- 'Corraling' a student, if within the classroom and if they are not touched or threatened with consequences does NOT constitute Restraint or Seclusion as they are not being isolated in a room alone nor are they being physically held.
- Bathroom and water: Student's should not be denied access. Nothing says these need to be offered every 15 minutes. If a student is calm enough to request a bathroom break or a drink, etc. They are obviously no longer a threat to themselves or others and should no longer be left in isolation. Students are to be released AS SOON AS it is safe. Waiting for them to demonstrate a period of calm/quiet/responsiveness is not the criteria for release.
- The law has changed and Restrictive Procedures are no longer justifiable for serious property damage. "Emergency" has been redefined in the law to state: "Emergency means a situation where immediate intervention is needed to protect a child or other individual from physical injury". Emergency no longer includes preventing serious property damage, nor, the law states "Emergency does NOT mean circumstances such as: a child who does not respond to a task or request and instead places his/her head

on a desk or hides under the desk or table; a child 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. (*MN Statutes 2012, section 125A.0941*)

- Restrictive Procedures must not be used to punish or otherwise discipline a child.

PHYSICAL RESTRAINT REMINDERS:

1. Only staff who have been certified under your district's Restrictive Procedures Policy can restrain a student. I.E. If staff is not currently certified under CPI they CANNOT touch a student.
2. NEVER, should a student be restrained on the floor.
3. "Escorting" a student by holding their hand or keeping a hand on their shoulder is not a restraint. If a student is only offering minimal resistance but is continuing under their own power, it does not need to be documented as an incident of restraint. "Escorting" a student who is offering minimal resistance is not a hold. Do not use the word 'hold' when describing the use of a transport.

SECLUSION REMINDERS:

1. Only rooms that have been registered with MDE and certified as safe by the Fire Marshal (every three years) can be used as seclusion rooms.
2. The ceiling of seclusion rooms need to be immobile. The use of 'hold down clips' should be in place prior to use in rooms with acoustic tiles in the ceiling.
3. Students must be able to be viewed at all times while in seclusion.

Exit Procedures-

- An evaluation is REQUIRED when dismissing a student from ALL special education services UNLESS the student is graduating or aging out.
- The evaluation does not necessarily need to include new testing, but needs to be a complete and comprehensive evaluation report.
- If a parent revokes consent for services, an evaluation does not need to be completed, but parents should be presented with a PWN so that the revocation is in writing.
- If an evaluation is completed and the student is determined eligible but the parent does not consent to special education services, the ER still should indicate eligibility.

Graduation and/or Aging Out-

- Students with an identified disability are eligible to receive FAPE through age 21 if appropriate. If they graduate or age out, both an SOP and a PWN should be completed.

Summary of Performance:

- The Summary of Performance (SOP) should include recommendations about ways to help meet post-secondary goals.
- The SOP *must* be completed during the final year of a student's high school education and is most useful when completed during the transition IEP process when the student has the opportunity to actively participate in the development of the document.
- The document should contain the most updated information on the performance of the student and include both the student's abilities and aspirations.

Prior Written Notice:

A Prior Written Notice should be completed upon graduation:

"High school graduation is a change in placement for a student with disabilities. *A Prior Written Notice is required* whenever the district proposes or refuses to initiate or change the identification, evaluation, educational placement or provision of FAPE to the child."

"Before a student receives a signed diploma, the IEP team must meet to review the IEP to assure that:

1. The school district's graduation requirements are met, or
2. The student's instructional annual goals and objective in the student's IEP are attained or a
3. Combination of district graduation requirements and meeting IEP annual goals and objectives.

Sample PWN for Graduation:

Description of the action(s) proposed or refused by the district:

{Student's} team is recommending that they receive their high school diploma from Minnesota Valley High School(MVHS) and graduate on June 2, 2012.

Explanation of why the district proposes to take or refused to take the action:

{Student} has met all of the goals and objectives from their most current Individual Education Plan (IEP) dated October 10, 2011. They have earned 27 credits and are currently enrolled in a Work Experience Program and working at Minnesota Rehabilitation Center Incorporated (MRCI) during the school day with success.

Description of each evaluation procedure, test, record, or report the district used as a basis for the proposed action or for refusing the requested action:

Review of current IEP and Evaluation Report.

Review of Student's grades and transcript from MVHS.

Job Evaluation and report from Work Experience Coordinator.

Input from {Student} and their parents.

Input from school staff.

Description of other options the team considered and the reasons why those options were proposed or rejected:

{Student's} team discussed delaying graduation for another year, as they are not 21 for eighteen months from June 22, 2012, however this was rejected as it was determined that {Student's} needs were being met by outside service providers and their current goals and objectives had been attained.

Description of other factors affecting the proposal or refusal:

If {Student} does not receive their diploma in June, they will be unable to walk with their peers and that has been their goal to go through commencement with their same age classmates.

**Appendix A:
Minnesota Valley Education District Points of Contact
2015-2016 School Year**

1. Questions or concerns regarding Team Overrides of an Evaluation, Requests for Mediation or Refusal of a Prior Written Notice or other critical Due Process issues:

Anna Fleischmann: Director of Special Education
(507) 934-5420 x254
annaf@mnved.org

2. Questions about Due Process Paperwork, student programming and placement, training or other non-critical Special Education Questions:

- Cleveland, Lake Crystal Wellcome Memorial, Minnesota Valley School, Nicollet, Maple River and St. Clair:

Melissa Wagner: Special Education Coordinator
(507) 934-5420 x236
mwagner@mnved.org

- Le Sueur Henderson and St. Peter:

Anna Fleischmann: Director of Special Education
(507) 934-5420 x254
annaf@mnved.org

3. Questions about evaluating or serving a student with Autism Spectrum Disorder (ASD), Physical Impairment (PI), Traumatic Brain Injury (TBI) Other Health Disabilities without ADHD (OHD) or Developmentally Cognitively Delayed (DCD):

Jackie Madden: Special Education Categorical Consultant
(507) 934-5420 x224
jmadden@mnved.org

4. Questions about evaluating or serving a student who is Deaf or Hard of Hearing (DHH)

Laurie Palesotti: Teacher of the Deaf and Hard of Hearing
(507) 934-5420 x251
lpalesotti@mnved.org

5. Questions about evaluating or serving a student who is Visually Impaired

Kristi Portuque: Teacher of the Blind
(507) 389-5086
kportuque@mncsc.org

6. Questions about Secondary Transition evaluation or services:

Kelsey Hutchins: Work Experience Coordinator
(507) 934-5420 x317
khutchins@mnved.org

Appendix B: Specific Evaluation Requirements by Categorical Disability

- **Autism Spectrum Disorder: Minnesota Rule 3525.1325**

Based on the information in the Evaluation Report and the student file, the student must meet requirements in A and B to be eligible for this disability category. The determination must be made by a **multidisciplinary team which includes at least one professional with experience and expertise in the area of ASD** due to the complexity of this disability and the specialized intervention methods. The team must also include a school professional knowledgeable of the range of possible special education eligibility criteria. The behavior indicators demonstrated must be atypical for the pupil's developmental level. The team shall document behavioral indicators through at least two of these methods: structured interviews with parents, autism checklists, communication rating scales, developmental rating scales, functional behavior assessments, application of diagnostic criteria from the current Diagnostic and Statistical Manual (DSM), informal and standardized evaluation instruments, or intellectual testing.

A. The team must document that the pupil demonstrates patterns of behavior described in at least two of the three subitems, one of which must be subitem (1).

1. Qualitative impairment of social interaction, as documented by two or more behavioral indicators, for example:

- _____ limited joint attention and limited use of facial expressions towards others
- _____ does not show or bring things to others to indicate interest in the activity
- _____ demonstrates difficulty relating to people, objects, and events
- _____ gross impairment in ability to make and keep friends
- _____ significant vulnerability and safety issues due to social naiveté
- _____ may appear to prefer isolated or solitary activities
- _____ misinterprets others' behaviors and social cues
- _____ other _____

AND 2. Qualitative impairment in communication, as documented by one or more behavioral indicators, for example:

- _____ not using finger to point or request
- _____ using other's hand or body as a tool
- _____ showing lack of spontaneous imitations or lack of varied imaginative play
- _____ absence or delay of spoken language
- _____ limited understanding and use of nonverbal communication skills such as gestures, facial expressions, or voice tone
- _____ odd production of speech, including intonation, volume, rhythm, or rate
- _____ repetitive or idiosyncratic language
- _____ inability to initiate or maintain conversation when speech is present
- _____ other _____

OR 3. Restricted, repetitive, or stereotyped patterns of behavior, interests, and activities as documented by one or more behavioral indicators, for example:

- _____ insistence on following routines or rituals
- _____ demonstrating distress or resistance to change in activity

- _____ repetitive hand or finger mannerism
- _____ lack of true imaginative play versus reenactment
- _____ overreaction or under-reaction to sensory stimuli
- _____ rigid or rule-bound thinking
- _____ intense, focused preoccupation with a limited range of play, interests, or conversation topics
- _____ other _____

B. Verification The evaluation report must include documentation with supporting data in all four areas below that verifies ASD adversely affects the pupil's performance and that the pupil is in need of special education instruction and related services.

- _____ Present levels of performance in each core feature identified in A (subitem 1 and either subitem 2 or 3).
- _____ Education needs in each core feature identified in A (subitem 1 and either subitem 2 or 3).
- _____ Observations of the pupil in two different settings, on two different days.
- _____ Summary of the pupil's developmental history and behavior patterns.

- **Deaf and Blind: Minnesota Rule 3525.1352**

Based on information in the Evaluation Report and the student file, the student must meet the requirements below.

Deaf and Blind: Documentation verifies meeting criteria for both disability areas below:

- _____ Visual Impairment See Minnesota Rule 3525.1345 for criteria.
- _____ Deaf and Hard of Hearing See Minnesota Rule 3525.1331 for criteria.

- **Deaf and Hard of Hearing: Minnesota Rule 3525.1331**

Based on information in the Evaluation Report and in the student file, the student must meet the requirements in A and either B, C, or D below.

A. Measurements Audiological documentation from a certified audiologist must be provided to demonstrate that the pupil has ONE of the following:

- _____ Sensorineural hearing loss with an unaided pure tone average, speech threshold, or auditory brainstem response threshold of 20 decibels hearing level (HL) or greater in the better ear;
 - _____ Conductive hearing loss with an unaided pure tone average or speech threshold of 20 decibels hearing level (HL) or greater in the better ear persisting over 3 months or occurring at least 3 times in the previous 12 months as verified by audiograms with at least one measure provided by a certified audiologist; _____ Unilateral sensorineural or persistent conductive loss with an unaided pure tone average or speech threshold of 45 decibels hearing level (HL) or greater in the affected ear; or
 - _____ Sensorineural hearing loss with unaided pure tone thresholds at 35 decibels hearing level (HL) or greater at 2 or more adjacent frequencies (500 hertz, 1000 hertz, 2000 hertz or 4000 hertz) in the better ear.
- B. Effect on Educational Performance The student's hearing loss affects educational performance as demonstrated by:
- _____ The student needs to consistently use amplification appropriately in educational settings as determined by audiological measures and systematic observation data; OR

_____ The student has an achievement deficit showing performance in the 15th percentile or 1.0 standard deviation or more below the mean in one area. Achievement Test _____

Basic reading skills Results _____

Reading comprehension Results _____

Written language Results _____

General knowledge Results _____

C. Use or Understanding of Spoken English The student's hearing loss affecting the use or understanding of spoken English as documented by one or both of the following:

_____ Under typical classroom conditions, the student's classroom interaction is limited as measured by systematic observation of communication behaviors; OR

_____ The use of American Sign Language 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 conducted by a professional with knowledge in the area of communication with persons who are deaf or hard of hearing.

D. Effect on Adaptive Behavior

_____ 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 and the student, when appropriate; AND

_____ Below average scores of same-aged peers on a standardized scale of social skill development.

Test Name _____ Results _____

- **Developmental Adapted Physical Education: Minnesota Rule 3525.1352**

Based on the information in the Evaluation Report and the student file, the student must meet the requirements in A and B below.

A. Disability The student file must have at least ONE of the following disabilities:

___ Autism Spectrum Disorder

___ Deaf-Blind

___ Emotional or Behavioral Disorder

___ Deaf and Hard of Hearing

___ Developmental Cognitive Disability

___ Other Health Disability

___ Physically Impaired

___ Severely Multiply Impaired

___ Blind and Visually Impaired

___ Traumatic Brain Injury

___ Specific Learning Disability

___ Developmental Delay (3-6)

B. Evaluation The student's file must contain documentation of ONE of the following:

___ Standardized psychomotor evaluation or physical fitness test, administered individually by an appropriately licensed teacher (performing at 1.5 standard deviations or more below the mean)

Test _____ Standard Deviation _____ OR

___ Development, or achievement and independence in school, home, and community settings are inadequate to allow success in regular physical education based on at least two of the following:

___ motor and skill checklists

___ criterion-referenced measures

___ parent and staff interviews

___ informal tests

___ medical history or reports

___ systematic observations

___ social, emotional, and behavioral evaluations

___ deficits in achievement related to the defined curriculum ___

- **Developmental Cognitive Disability: Minnesota Rule 3525.1333**

Based on information in the Evaluation Report and the student file, the student must meet the requirements in A and B below.

A. Adaptive Behavior

___ The student demonstrates below-average adaptive behavior in school by a composite score at or below the 15th percentile on a nationally normed, technically adequate measure of adaptive behavior.

Adaptive behavior test name _____

Composite score percentile _____

___ The student demonstrates below average adaptive behavior at home by a composite score at or below the 15th percentile on a nationally normed, technically adequate measure of adaptive behavior.

Adaptive behavior test name: _____

Composite score percentile _____ AND

Documentation of needs and the level of support required in at least four of the seven adaptive behavior domains across multiple environments.

| Domain | Home | School | Community | Need(s) and Level of Support Required |
|--|------|--------|-----------|---------------------------------------|
| Daily living and independent living skills | | | | |
| Social and interpersonal skills | | | | |
| Communication skills | | | | |
| Academic skills | | | | |
| Recreation and leisure skills | | | | |

| | | | | |
|--------------------------------|--|--|--|--|
| Community participation skills | | | | |
| Work and work related skills | | | | |

AND Is supported by BOTH of the following:

A systemic observation

Parent input Other sources of documentation may include checklists, classroom or work samples, interviews, criterion-referenced measures, educational history, medical history, or pupil self-report.

B. General Intellectual Functioning The student demonstrates significantly below-average general intellectual functioning as measured by an individually administered, nationally normed test of intellectual ability. Intellectual Ability Test: _____ Full Scale Score: _____ SD: _____

Mild-moderate range = 2 standard deviations below the mean (+ or – 1 standard error of measurement)

Severe-profound range = 3 standard deviations below the mean (+ or – 1 standard error of measurement)

AND The student's significantly below-average general intellectual functioning is verified through:

A written summary of results from at least two systematic observations with consideration for culturally relevant information, medical and education history and at least one of the following:

Supplemental tests of specific abilities

Alternative methods of intellectual assessment

Criterion-referenced tests

Clinical interviews with family members

Observation and analysis of behavior across multiple environments

Note: DCD does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorder, severe multiple impairments, cultural influences, or inconsistent educational programming. _____

- **Developmental Delay - Ages 3 through 6: Minnesota Rule 3525.1351**

Based on information in the Evaluation Report and the student file, a child identified as eligible under Developmental Delay criteria must meet the requirements in 1 and 2 below.

1. Developmental Delay The child must meet one of the following to be determined eligible for Early Childhood Special Education services under Developmental Delay:

A diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay. OR

A delay of 1.5 standard deviations or more below the mean in two or more developmental areas:

Cognitive Development Standard Deviation _____

Physical Development (including vision and hearing) Standard Deviation _____

Communication Development Standard Deviation _____

Social or Emotional Development Standard Deviation _____

Adaptive Development Standard Deviation _____

2. Need for Special Education The child's need for special education is supported by ALL of the following:

At least one documented systematic observation in the child's daily routine setting by an appropriate

professional or, if observation in the daily routine setting is not possible, the alternative setting must be justified.

___ Developmental history

___ At least one other evaluation procedure in each area of identified delay that is conducted on a different day than the medical or norm-referenced evaluation; which may include criterion referenced instruments, language samples, or curriculum-based measures.

Area of identified delay: _____ Evaluation procedure: _____

Area of identified delay: _____ Evaluation procedure: _____

- **Developmental Delay - Birth through Age 2: Minnesota Rule 3525.1350**

Based on information in the Evaluation Report and the student file, the child identified as eligible under Developmental Delay must meet the requirements below

The child must meet one of the following to be determined eligible for Infant and Toddler Intervention Services under Developmental Delay:

1. ___ A medically diagnosed physical or mental condition or disorder that has a high probability of resulting in a developmental delay regardless of whether the child has a demonstrated need or delay. Physical or Mental condition _____

2. ___ A developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean in at least one developmental area as measured by appropriate diagnostic measures and procedures.

___ Cognitive Development ___ Standard Deviation

___ Communication Development ___ Standard Deviation

___ Physical Development (including vision and hearing) ___ Standard Deviation

___ Social or Emotional Development ___ Standard Deviation

___ Adaptive Development ___ Standard Deviation

3. ___ A developmental delay that is determined through the use of informed clinical opinion as an independent basis. Rationale _____

- **Emotional or Behavioral Disabilities: Minnesota Rule 3525.1329**

Based on information in the Evaluation Report and in the student file, K-12 students must meet the criteria in A through D below. Pre-kindergarten students must meet the requirements outlined in A, B, E and F. A pupil must demonstrate an established pattern of emotional or behavioral responses that represents a significant difference from peers.

A. Significantly Different Behaviors

___ The student must exhibit withdrawn or anxious behaviors, pervasive unhappiness, depression, severe problems with mood or feelings of self-worth as defined by behaviors, such as:

___ isolating self from peers

___ overly perfectionistic

___ displaying intense fears or school refusal

___ failing to express emotion

___ displaying pervasive sad disposition

___ changes in eating or sleeping patterns

developing physical symptoms related to worry or stress

other _____ OR

The student must exhibit disordered thought processes manifested by unusual behavior patterns, atypical communication styles or distorted interpersonal relationships, such as:

reality distortion beyond normal developmental fantasy and play or talk

inappropriate laughter, crying, sounds, or language

self-mutilation

developmentally inappropriate sexual acting out or developmentally inappropriate self stimulation

rigid, ritualistic patterning

perseveration or obsession with specific objects

overly affectionate behavior towards unfamiliar persons

hallucinating or delusions of grandeur

other _____ OR

The student must exhibit aggressive, hyperactive, or impulsive behaviors that are developmentally inappropriate, such as:

physically or verbally abusive behaviors

impulsive or violent, destructive, or intimidating behavior

behaviors that are threatening to others or excessively antagonistic

other _____

B. Adverse Effects on Educational Performance

The student's pattern of emotional or behavioral responses must adversely affect educational performance and result in at least ONE of the following:

Inability to demonstrate satisfactory social competence that is significantly different from appropriate age, cultural or ethnic norms; OR

A pattern of unsatisfactory educational progress that is not primarily a result of intellectual, sensory, physical health, cultural or linguistic factors; illegal chemical use; autism spectrum disorders; or inconsistent educational programming.

C. Areas of Impact K-12 Documentation of prior interventions and the evaluation data for K-12 students must establish significant impairments in at least ONE of the following areas:

intrapersonal

academic

vocational

social skills

The impaired area identified above must meet ALL of the following criteria:

Severely interferes with the pupil's or other students' educational performance

Is consistently exhibited by occurrences in at least three different settings: two educational settings, one of which is the classroom, and a setting in either home, child care, or community

Has been occurring throughout a minimum of six months, or results from the well-documented, sudden onset of a serious mental health disorder diagnosed by a licensed mental health professional

D. Evaluation Requirements K-12 The evaluation may include data from vocational skills measures; personality measures; self-report scales; adaptive behavior rating scales; communication measures; diagnostic assessment and mental health evaluation reviews; environmental, socio-cultural and ethnic information reviews; gross and fine motor and sensory motor measures; or chemical health assessments.

K-12 evaluation must be supported by current or existing data from ALL of the following:

- clinically significant scores on standardized, nationally normed behavior rating scales
- individually administered, standardized, nationally normed tests of intellectual ability and academic achievement
- record review
- mental health screening
- interviews with parent, pupil and teacher
- three systematic observations in the classroom or other learning environments
- health history review procedures
- functional behavioral assessment

FOR PRE-KINDERGARTEN STUDENTS: The student must meet criteria in areas A and B above.

Additionally, the student must meet requirements for E and F. E. Areas of Impact Pre-K Evaluation data must establish and define developmentally significant impairments in at least ONE of the following areas for pre-kindergarten students:

- self-care
- social relations
- social or emotional growth

The area(s) identified above must meet ALL of the following criteria:

- data must document that emotional or behavioral responses are exhibited in at least one setting including either in the home, at childcare, or in the community
- has been occurring throughout a minimum of six months, or results from the well-documented, sudden onset of a serious mental health disorder diagnosed by a licensed mental health professional

F. Evaluation of Pre-K Pre-K evaluations must be supported by current or existing 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 student's cognitive ability, social skills and communication abilities
- standardized and informal interviews, including parent, teacher, caregiver and childcare provider
- standardized adaptive behavior scales

- **Other Health Disabilities: Minnesota Rule 3525.1335**

Based on information in the Evaluation Report and the student file, the student must meet the requirements in A through C below.

A. Health Condition

_____ Medical documentation written and signed by a licensed physician of a medically diagnosed chronic or acute health condition. For initial evaluations, documentation must be dated within the previous 12 months.

Health Condition _____ OR

_____ In the case of Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD), written and signed documentation of a medical diagnosis by a licensed physician. For initial evaluation, documents must be dated within the past 12 months. The documentation must show the student meets DSM-IV criteria in items A-E. The DSM-IV criteria documentation must be provided by a licensed physician, mental health or medical professional licensed to diagnose the condition. A licensed physician, an advanced practice nurse, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. Minn. Stat. 125A.02 Subd.1.

B. Adverse Effects In comparison with peers, the health condition adversely affects the pupil's ability to complete educational tasks within routine timelines as documented in at least THREE of the following areas: _____ excessive absenteeism linked to the health condition (e.g., hospitalizations, medical treatments, surgeries or illnesses)

_____ specialized health care procedures that are necessary during the school day

_____ medications that adversely affect learning and functioning in terms of comprehension, memory, attention or fatigue

_____ limited physical strength resulting in decreased capacity to perform school activities

_____ limited endurance resulting in decreased stamina and decreased ability to maintain performance

_____ heightened or diminished alertness resulting in impaired abilities (e.g., prioritizing environmental stimuli, maintaining focus, or sustaining effort or accuracy)

_____ impaired ability to manage and organize materials and complete classroom assignments within routine timelines

_____ impaired ability to follow directions or initiate and complete a task

C. Unsatisfactory Educational Progress The student's health condition results in a pattern of unsatisfactory educational progress as determined by a comprehensive evaluation. Documentation must include EACH of the following:

_____ An individually administered, nationally normed standardized evaluation of the pupil's academic performance

_____ Documented, systematic interviews conducted by a licensed special education teacher with classroom teachers and the pupil's parent or guardian

_____ One or more documented, systematic observations in the classroom or other learning environment by a licensed special education teacher

_____ A review of the pupil's health history, including the verification of a medical diagnosis of a health condition

_____ Records review _

- **Physically Impaired: Minnesota Rule 3525.1337**

Based on information in the Evaluation Report and the student file, the student must meet the requirements in 1 and 2 below.

A. Documentation of Physical Impairment

____ There must be documentation of a medically diagnosed physical impairment

Physical Impairment _____

B. Evaluation At least ONE of the following must be documented in the evaluation report.

Functional Skills

____ The student's need for special education instruction and service is supported by a lack of functional level in organizational or independent work skills 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.

Motor Skills

____ The student's need for special education instruction and service is supported by an inability 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.

Educational Performance

____ 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.

Achievement Test _____ Standard Deviation _____

- **Severely Multiply Impaired: Minnesota Rule 3525.1339**

Based on information in the Evaluation Report and the student file, the student must meet ALL requirements below. Multiple Disabilities Identify at least TWO disabilities that are documented in the student's file.

____ Deaf or Hard of Hearing

____ Physically Impaired

____ Developmental Cognitive Disability – Severe-Profound range

____ Blind/Visually Impaired

____ Emotional or Behavioral Disorders

____ Autism Spectrum Disorders

- **Specific Learning Disability: Minnesota Rule 3525.1341**

Information about each item must be sought from the parent and included as part of the evaluation data.

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

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

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

AND

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

The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability (SLD).

AND

Documentation to support this finding must be both representative of the pupil's curriculum and useful for developing instructional goals and objectives. Documentation includes evidence of low achievement from the following sources, when available:

- Cumulative record reviews
- Class work samples
- Anecdotal teacher records
- Statewide and district-wide assessments
- Formal, diagnostic, and informal tests
- Results from targeted support programs in general education
- Curriculum based evaluation results

B. Information Processing The child has a disorder in one or more of the basic psychological processes, which includes an information processing condition that is manifested in a variety of setting by behaviors such as inadequate:

- Acquisition of information
- Organization
- Planning and sequencing
- Working memory, including verbal, visual, or spatial
- Visual and auditory processing
- Speed of processing
- Verbal and nonverbal expression
- Transfer of information
- Motor control for written tasks (pencil and paper assignments, drawing, and copying)
- Other: _____

C. Severe Discrepancy The child demonstrates a severe discrepancy between general intellectual ability and achievement in at least one of the identified areas of achievement. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The instruments used to assess the child's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures. For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean on a distribution of regression scores for the general population at the student's chronological age.

General Intellectual Ability Assessment Measure: _____

Overall Composite Score: _____ Regression Score: _____

Achievement Measure: _____

Cluster Area Composite Score

Oral Expression _____

Listening Comprehension _____

Written Expression _____

Basic Reading Skills _____

Reading Fluency Skills _____

Reading Comprehension _____

Mathematical Calculation _____

Mathematical Problem Solving _____

D. Inadequate rate of progress in response to scientific research-based intervention (SRBI) The child demonstrates an inadequate rate of progress in response to intensive SBRI and the following components are documented:

_____ Rate of progress is measured over at least 7 school weeks on a minimum of 12 data points;

_____ Rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;

_____ Progress will likely not be maintained when instructional supports are removed;

_____ Level of performance in repeated assessment of achievement falls below the child's age or state approved grade-level standards; and

_____ Level of achievement is at or below the 5th percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data, but if it differs from either state or national data, the group must provide a rationale to explain the difference.

- **Speech Language Impairment: Minnesota Rule 3525.1343**

Based on information in the Evaluation Report and the student file, the student must meet the requirements in any one of the four areas below.

1. Fluency Disorder A student who meets all of the fluency disorder criteria below is eligible for speech or language special education services:

_____ A. The pattern interferes with communication as determined by an educational speech language pathologist and either another adult or the pupil.

_____ B. Dysfluent behaviors occur during at least five percent of the words spoken on two or more speech samples. Scores _____

_____ C. Fluency patterns are not attributed only to dialectical, cultural or ethnic difference, or to the influence of a foreign language.

2. Voice Disorder A student with a voice disorder must meet all criteria below to be eligible for speech or language special education services.

_____ A. The pattern interferes with communication as determined by an educational speech language pathologist and either another adult or the pupil.

_____ B. Achievement of a moderate to severe vocal severity rating is demonstrated on a voice evaluation profile administered on two separate occasions, two weeks apart, at different times of the day.

Voice Profile # 1 Results: ____ moderate ____ severe Date _____ Time _____

Voice Profile # 2 Results: ____ moderate ____ severe Date _____ Time _____

_____ C. Voice patterns are not attributed only to dialectical, cultural, or ethnic differences, or to the influence of a foreign language.

3. Articulation Disorder A student with an articulation disorder qualifies for speech or language special education services if the student meets both A and D and either B or C:

_____ A. The pattern interferes with communication as determined by an educational speech language pathologist and either another adult or the pupil.

_____ B. Test performance falls 2.0 standard deviations below the mean on a technically adequate, norm-referenced articulation test.

Test _____

Score _____

_____ C. The pupil is nine years of age or older and a sound is consistently in error as documented by two three-minute conversational speech samples.

_____ D. Articulation patterns are not attributed only to dialectical, cultural, or ethnic differences, or to the influence of a foreign language.

4. Language Disorder A student with a language disorder qualifies for speech or language special education the student meets both A, B, and E and either C or D.

_____ A. The pattern interferes with communication as determined by an educational speech language pathologist and either another adult or the child.

_____ B. Analysis of language sample or documented observation of communication interaction indicates that language behavior is below or different from expectations based on age, developmental level, or cognitive level.

_____ C. The pupil scores 2.0 standard deviations or more below the mean on two norm-referenced, technically adequate language tests.

Test name _____ Standard Deviation _____

Test name _____ Standard Deviation _____

_____ D. If technically adequate, norm-referenced language tests are not available to provide evidence of a deficit of 2.0 standard deviations below the mean in the area of language, two documented

measurement procedures indicate a substantial difference from expectations, based on age, developmental level, or cognitive level.

Procedure #1 _____

Results _____

Procedure #2 _____

Results _____

____ E. Language patterns are not attributed only to dialectical, cultural, or ethnic differences, or to the influence of a foreign language

- **Traumatic Brain Injury: Minnesota Rule 3525.1348**

Based on information in the Evaluation Report and the student file, the student must meet the requirements in all FIVE areas below. The determination must be made by a multidisciplinary team and supported by information collected from multiple settings and sources.

A. Medical Documentation

____ There is documentation by a physician of a medically verified traumatic brain injury.

B. Functional Impairment The student's file must include documentation of a functional impairment attributed to the TBI that adversely affects educational performance in at least one of the following:

____ intellectual-cognitive

____ sensory

____ academic

____ social-emotional-behavioral

____ motor

____ functional skills-adaptive behavior

____ communication

C. Previously Existing Conditions Verification that the student's impairments are not primarily the result of previously existing conditions. Indicate that none of the following contribute to a previously existing condition. ____ visual, hearing, motor impairments

____ developmental disabilities

____ environmental or economic disadvantage

____ emotional/behavioral disorders

____ language or specific learning disabilities

____ cultural differences

D. Documentation The student file must include documentation of functional impairment through at least one of the following:

____ checklists

____ classroom or work samples

____ documented, systematic behavioral observations

____ educational/medical history

____ interviews with parent, student, and other knowledgeable individuals

E. Documentation The student's file must include documentation of functional impairment based on at least one of the following:

- _____ criterion-referenced measures
- _____ personality or projective measures
- _____ sociometric measures
- _____ standardized assessment measures (academic, cognitive, communication, neuropsychological, or motor) _

- **Visual Impairment Checklist: Minnesota Rule 3525.1345**

Based on information in the Evaluation Report and the student file, the student must meet the requirements in A and B below.

A. Visual Impairment The student's file must include documentation of visual impairment by a licensed eye specialist in at least ONE of the following:

_____ Visual acuity of 20/60 or less in better eye with best conventional correction. • estimation of acuity for difficult-to-test pupils • for pre-kindergarten, measured acuity must be significantly deviant from what is developmentally age-appropriate

_____ Visual field of 20 degrees or less, or bilateral scotomas.

_____ Congenital or degenerative condition: _____ • e.g., progressive cataract, glaucoma, retinitis pigmentosa

B. Functional Evaluation The student's file must include a functional evaluation of visual abilities. A licensed teacher of the visually impaired must determine the student has or experiences at least ONE of the following:

_____ 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.

_____ Reduced or variable visual acuity due to visual fatigue or factors common to the eye condition. _____