



Rochester Public Schools Total Special Education System (TSES) Manual

This document serves as the Total Special Education System Plan for Rochester Public Schools in accordance with Minnesota Rule 3525.1100. This plan also includes an assurance for compliance with the federal requirements pertaining to districts' special education responsibilities found in United States Code, title 20, chapter 33, and Code of Federal Regulations, title 34, part 300. This document is a companion to the Application for Special Education Funds – Statement of Assurances (ED-01350-29).

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I. Child Study Procedures

Rochester Public School's identification system is developed according to the requirement of nondiscrimination as Rochester Public Schools does not discriminate in education on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.

A. Identification

Rochester Public Schools has developed systems designed to identify pupils with disabilities beginning at birth, pupils with disabilities attending public and nonpublic schools, and pupils with disabilities who are of school age and are not attending any school.

Infant and toddler intervention services under United States Code, title 20, chapter 33, section 1431 et seq., and Code of Federal Regulations, title 34, part 303, are available in Rochester Public Schools to children from birth through two years of age who meet the outlined criteria.

The team determines that a child from birth through the age of two years is eligible for infant and toddler intervention services if:

- A. The child meets the criteria of one of the disability categories in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in sub item (1), (2), or (3):

- (1) The child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay; or
- (2) The child is experiencing a developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean, as measured by the appropriate diagnostic measures and procedures, in one or more of the following areas:
 - (a) Cognitive development;
 - (b) Physical development, including vision and hearing;
 - (c) Communication development;
 - (d) Social or emotional development; and
 - (e) Adaptive development.
- (3) The child's eligibility is established through the application of informed clinical opinion. Informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments to establish eligibility.

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

- A. The child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in sub item (1) and the criteria in sub item (2).
 - (1) The child:
 - (a) Has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay; or
 - (b) Has a delay in each of two or more of the areas of cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development, that is verified by an evaluation using one or more technically adequate, norm-referenced instruments. The instruments must be individually administered by appropriately trained professionals and the scores must be at least 1.5 standard deviations below the mean in each area.
 - (2) The child's need for special education is supported by:
 - (a) At least one documented, systematic observation in the child's routine setting by an appropriate professional or, if observation in the daily routine setting is not possible, the alternative setting must be justified;

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

Rochester Public School's plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. Rochester Public Schools implements its interventions consistent with that plan. The plan details the specific scientific, research-based intervention (SRBI) approach, including timelines for progression through the model; any SRBI that is used, by content area; the parent notification and consent policies for participation in SRBI; procedures for ensuring fidelity of implementation; and a district staff training plan. Rochester Public School's plan for identifying a child with a specific learning disability is attached as [Appendix \[A\]](#).

B. Evaluation

Evaluation of the child and assessment of the child and family will be conducted in a manner consistent with Code of Federal Regulations, title 34, section 303.321. It must be based on informed clinical opinion; and must be multidisciplinary in nature, involving two or more disciplines or professions; and must be conducted by personnel trained to utilize appropriate methods and procedures. The evaluation must include:

- A. A review of the child's current records related to health status and medical history;
- B. An evaluation of the child's levels of cognitive, physical, communication, social or emotional, and adaptive developmental functioning;
- C. An assessment of the unique needs of the child in terms of each of the developmental areas in item b; and
- D. At least one documented, systematic observation in the child's daily routine setting by an appropriate professional or, if observation in the child's daily setting is not possible, the alternative setting must be justified.

The team conducts an evaluation for special education purposes within a reasonable time not to exceed 30 school days from the date the district receives parental permission to conduct the evaluation or the expiration of the 14-calendar day parental response time in cases other than initial evaluation, unless a conciliation conference or hearing is requested.

Rochester Public Schools conducts a full and individual initial evaluation before the initial provision of special education and related services to a pupil. The initial evaluation consists of procedures to determine whether a child is a pupil with a disability that adversely affects the child's educational performance as defined in Minnesota Statutes, section 125A.02, who by reason thereof needs special education and related services, and to determine the educational

needs of the pupil. The district proposing to conduct an initial evaluation to determine if the child qualifies as a pupil with a disability obtains informed consent from the parent of the child before the evaluation is conducted. Parental consent for evaluation is not construed as consent for placement for receipt of special education and related services. The District will not override the written refusal of a parent to consent to an initial evaluation or reevaluation.

Evaluation Procedures

Evaluations and reevaluations are conducted according to the following procedures:

- A. Rochester Public Schools shall provide notice to the parents of the pupil, according to Code of Federal Regulations, title 34, sections 300.500 to 300.505, that describes any evaluation procedures the district proposes to conduct.
- B. In conducting the evaluation, Rochester Public Schools will:
 - (1) Use a variety of evaluation tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that are designed to assist in determining whether the child is a pupil with a disability and the content of the pupil's individualized education program, including information related to enabling the pupil to be involved in and progress in the general curriculum, or for preschool pupils, to participate in appropriate activities;
 - (2) Not use any single procedure as the sole criterion for determining whether a child is a pupil with a disability or determining an appropriate education program for the pupil; and
 - (3) Use technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- C. Rochester Public Schools ensures that:
 - (1) Tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not be discriminatory on a racial or cultural basis, and are provided and administered in the pupil's native language or other mode of communication, unless it is clearly not feasible to do so;
 - (2) Materials and procedures used to evaluate a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education and related services, rather than measure the child's English language skills;
 - (3) Any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests;
 - (4) The child is evaluated in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

- (5) Evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the pupil are provided;
 - (6) If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report;
 - (7) Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
 - (8) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure; and
 - (9) In evaluating each pupil with a disability, the evaluation is sufficiently comprehensive to identify all of the pupil's special education and related service needs, whether or not commonly linked to the disability category in which the pupil has been classified.
- D. Upon completion of administration of tests and other evaluation materials, the determination of whether the child is a pupil with a disability as defined in Minnesota Statutes, section 125A.02, shall be made by a team of qualified professionals and the parent of the pupil in accordance with item E, and a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.
- E. In making a determination of eligibility under item D, a child shall not be determined to be a pupil with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency, and the child does not otherwise meet eligibility criteria under parts 3525.1325 to 3525.1351.

Additional requirements for evaluations and reevaluations

- A. As part of an initial evaluation, if appropriate, and as part of any reevaluation under this part, or a reinstatement under part 3525.3100, the IEP team and other qualified professionals, as appropriate, shall:
- (1) Review existing evaluation data on the pupil, including evaluations and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation; and
 - (2) On the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine whether the pupil has a particular category of disability, as described in Minnesota Statutes, section 125A.02, or, in case of a reevaluation of a pupil, whether the pupil continues to have such a disability, the present levels of performance and educational needs of the pupil, whether the pupil needs special education and related services, or in the case of a reevaluation of a pupil, whether the pupil continues to need special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.

- B. The district administers such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, sub item (2).
- C. The district obtains informed parental consent, in accordance with subpart 1, prior to conducting any reevaluation of a pupil, except that such informed parental consent need not be obtained if the district can demonstrate that it had taken reasonable measures to obtain such consent and the pupil's parent has failed to respond.
- D. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the pupil continues to be a pupil with a disability, the district shall notify the pupil's parents of that determination and the reasons for it, and the right of such parents to request an evaluation to determine whether the pupil continues to be a pupil with a disability, and shall not be required to conduct such an evaluation unless requested to by the pupil's parents.
- E. A district evaluates a pupil in accordance with federal regulation before determining that the pupil is no longer a pupil with a disability.

When restrictive procedures are used twice in 30 days or when a pattern emerges and restrictive procedures are not included in a child's individualized education program or behavior intervention plan, the district must hold a meeting of the individualized education program team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. At the meeting, the team must review any known medical or psychological limitations 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.

Procedures for determining eligibility and placement

- A. In interpreting the evaluation data for the purpose of determining if a child is a pupil with a disability under parts 3525.1325 to 3525.1351 and the educational needs of the child, the school district:
 - (1) Draws upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
 - (2) Ensures that the information obtained from all of the sources is documented and carefully considered.
- B. If a determination is made that a child is a pupil with a disability who needs special education and related services, an IEP is developed for the pupil according to Minnesota Rule 3525.2810.

Evaluation report

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

- A. A summary of all evaluation results;

- B. Documentation of whether the pupil has a particular category of disability or, in the case of a reevaluation, whether the pupil continues to have such a disability;
- C. The pupil's present levels of performance and educational needs that derive from the disability;
- D. Whether the child needs special education and related services or, in the case of a reevaluation, whether the pupil continues to need special education and related services; and
- E. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.

C. Plan for Receiving Referrals

Rochester Public School's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as [Appendix \[B\]](#).

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

Rochester Public Schools provides a full range of educational service alternatives. All students with disabilities are provided the special instruction and services which are appropriate to their needs. The following is representative of Rochester Public School's method of providing the special education services for the identified pupils, sites available at which service may occur, and instruction and related services are available.

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

A. Method of providing the special education services for identified pupil's include but are not limited to, the following:

- (1) One-on-one instruction
- (2) Small group instruction
- (3) Direct instruction
- (4) Indirect instruction
- (5) Co-teaching

B. Sites available at which services may occur include, but are not limited to:

- (1) Community-based preschool programs
- (2) Student homes (B-2 and homebound services)

- (3) Hospital/ Homebound services (in homes or in medical facility)
- (4) Early Childhood Special Education within Elementary Schools
- (5) Bamber Valley Elementary School, 2001 Bamber Valley Rd. SW Rochester, MN 55902
- (6) Bishop Elementary School, 406 36th Ave. NW Rochester, MN 55901
- (7) Churchill Elementary School, 2240 7th Ave. NE Rochester, MN 55906
- (8) Elton Hills Elementary School, 1421 Elton Hills Dr. Rochester, MN 55901
- (9) Folwell Elementary School, 603 15th Ave SE Rochester, MN 55902
- (10) Franklin and Franklin Montessori Elementary School, 1801 9th Ave SE Rochester, MN 55904
- (11) Gage Elementary School, 1300 40th St. NW Rochester, MN 55901
- (12) George W. Gibbs Elementary School, 5525 56th St. NW 55901
- (13) Hoover Elementary School, 369 Elton Hills Dr. NW Rochester, MN 55901
- (14) Jefferson Elementary School, 1201 10th Ave NE Rochester, MN 55906
- (15) Lincoln at Mann K-8 District Wide School, 1122 8th Ave SE Rochester, MN 55904
- (16) Longfellow 45-15 District Wide Elementary School, 1615 Marion Rd. SE Rochester, MN 55904
- (17) Pinewood Elementary School, 1900 Pinewood Rd. SE Rochester, MN 55904
- (18) Riverside Elementary School, 506 5th Ave SE Rochester, MN 55904
- (19) Sunset Terrace Elementary School, 1707 19th Ave NW Rochester, MN 55901
- (20) Washington District Wide Elementary School, 1200 11th Ave SW Rochester, MN 55901
- (21) Friedell District Wide Middle School, 1200 S. Broadway Rochester, MN 55904
- (22) John Adams Middle School, 1525 31st St. NW Rochester, MN 55901
- (23) Kellogg Middle School, 503 17th St. NE Rochester, MN 55906
- (24) Willow Creek Middle School, 2425 11th Ave SE Rochester, MN 55904
- (25) Century High School, 2525 Viola Rd. NE Rochester, MN 55906
- (26) John Marshall High School, 1510 14th St. NW Rochester, MN 55901
- (27) Mayo High School, 1420 11th Ave SE Rochester, MN 55904
- (28) Rochester Alternative Learning Center, 37 Woodlake Dr. SE Rochester, MN 55904
- (29) Rochester Phoenix Academy (Setting IV), 334 16th St SE Rochester, MN 55904
- (30) Rochester Academy for Independent Living, 334 16th St SE Rochester, MN 55904

- (31) Career and Technical Education Center at Heinz, 3303 41st St NW Rochester, MN 55901
- (32) Juvenile Detention Center (Campus), 2118 Campus Dr. SE Rochester, MN 55904
- (33) Prairie Care, 1620 Greenview Dr. SW Rochester, MN 55902
- (34) Von Wald Group Home, 4435 Bamber Valley Rd. SW Rochester, MN 55902
- (35) Hawthorne, 700 4th Ave SE Rochester, MN 55904
- (36) Northrop Community Education Center, 201 8th St. NW, Rochester, MN 55901

C. Available instruction and related services include:

- (1) Physical Therapy
- (2) Occupational Therapy
- (3) Speech and Language Services
- (4) Deaf/ Hard of Hearing (DHH) and Audiology Services
- (5) Vision Services
- (6) School Social Work Services
- (7) School Psychology Services
- (8) Assistive Technology
- (9) Developmental Adaptive Physical Education (DAPE) services
- (10) Behavioral Support Services
- (11) Work Experience

III. Administration and Management Plan.

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

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

Title		Supervision/Responsibility
<p>Executive Director of Student Services Karla Bollesen- 328-4310 615 7th St SW Rochester, MN 55902</p>	<p>Oversight of the District</p>	<p>All aspects of Special Education and Student Services.</p>

<p>Assistant Director of Student Services Karl Bakken – 328-4312</p> <p>615 7th St SW Rochester, MN 55902</p>	District Wide	<p>File Review Counselors Performance Management Work Experience Project SEARCH</p> <p>Student Plans Health Services Psychologists Hospital/Homebound</p>
<p>Elementary Supervisor Jennifer Ihrke – 328-4528</p> <p>10 9 ½ St. SE Rochester, MN 55904</p>	Elementary Schools	<p>Building Administrator @ MSB Speech and Language Pathologists District Behavior Specialists Assistive Technology/Physical Impairment</p>
<p>Secondary Supervisor Nicole Mueller – 328-4521</p> <p>10 9 ½ St. SE Rochester, MN 55904</p>	Middle Schools High Schools	<p>DHH Audiologist Vision Impairment</p>
<p>ECSE Coordinator Melissa Stenke – 328-3931</p> <p>10 9 ½ St. SE Rochester, MN 55904</p>	ECSE Birth – 5	<p>OT PT DAPE</p>
<p>Coordinator of Mental Health & Title Programs Denise Moody – 328-4273</p> <p>10 9 ½ St. SE Rochester, MN 55904</p>	District Wide	<p>Mental Health Practitioners Title Programs Clinical Social Workers School Social Workers</p>
<p>Principal at ESC Rob Scripture – 328-4541</p> <p>334 16th Ave SE Rochester, MN 55904</p>	<p>Phoenix Academy RAIL JDC Von Wald Shelter Prairie Care</p>	<p>ESC Building Administrator CPI Facilitator</p>

- B. Due Process assurances available to parents: Rochester Public Schools has appropriate and proper due process procedures in place to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils, including alternative dispute resolution and due process hearings. A description of these processes are as follows:
- (1) Prior written notice to a) inform the parent that except for the initial placement of a child in special education, the school district will proceed with its proposal for the child's placement or for providing special education services unless the child's parent notifies the district of an objection within 14 days of when the district sends the prior written notice to the parent; and b) state that a parent who objects to a proposal or refusal in the prior written notice may request a conciliation conference or another alternative dispute resolution procedure.
 - (2) Rochester Public Schools will not proceed with the initial evaluation of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent. A district may not override the written refusal of a parent to consent to an initial evaluation or reevaluation.
 - (3) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless medical, dental, mental and other health services are necessary, in the professional's judgment, that the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.
 - (4) Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability through conciliation, mediation, facilitated team meetings, or another alternative process. All dispute resolution options are voluntary on the part of the parent and must not be used to deny or delay the right to a due process hearing. All dispute resolution processes are provided at no cost to the parent.
 - (5) Conciliation Conference: a parent has the opportunity to meet with appropriate district staff in at least one conciliation conference if the parent objects to any proposal of which the parent receives prior written notice. Rochester Public Schools holds a conciliation conference within ten calendar days from the date the district receives a parent's objection to a proposal or refusal in the prior written notice. All discussions held during a conciliation conference are confidential and are not admissible in a due process hearing. Within five school days after the final conciliation conference, the district must prepare and provide to the parent a conciliation conference memorandum that describes the District's final proposed offer of service. This memorandum is admissible in evidence in any subsequent proceeding.
 - (6) In addition to offering at least one conciliation conference, Rochester Public Schools informs parents of other dispute resolution processes, including at least mediation and facilitated team meetings. The fact that an alternative dispute resolution process was used is admissible in evidence at any subsequent proceeding. State-provided mediators

and team meeting facilitators shall not be subpoenaed to testify at a due process hearing or civil action under special education law nor are any records of mediators or state-provided team meeting facilitators accessible to the parties.

- (7) Descriptions of the mediation process, facilitated team meetings, state complaint, and impartial due process hearings may be found in Rochester Public Schools' Procedure Safeguard Notice, attached as [Appendix \[C\]](#).

IV. Operating Procedures of Interagency Committees

Interagency Early Intervention Committee

- A. Rochester Public School's Interagency Early Intervention Committee is the Region 10.
- B. Region 10 Interagency Early Intervention Committee consists of the following individuals listed in [Appendix \[D\]](#).
- C. The Chair of the Interagency Early Intervention Committee is Teresa Buck.
- D. The Interagency Early Intervention Committee meets quarterly.
- E. The Interagency Early Intervention Committee's operating procedures are attached as [Appendix \[E\]](#).
- F. The Interagency Early Intervention Committee participates in needs assessment and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families.
- G. The Interagency Early Intervention Committee review and comments on the early intervention service of this Total Special Education System Plan for Rochester Public Schools, the county social service plan, the section(s) of the community health services plan that addresses needs of and services activities targeted to children with special health care needs, the section on children with special needs in the county child care fund plan, sections in Head Start plans on coordinated planning and services for children with special needs, any relevant portions of early childhood education plans, such as early childhood family education or school readiness, or other applicable coordinated school and community plans for early childhood programs and services, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities.

V. Interagency Agreements the District has Entered

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

Name of Agency	Terms of Agreement	Agreement Termination/ Renewal Date
Minnesota Department of Education	Classroom Based Practices Reaching Potentials through Recommended Practices. Using engagement and routines to increase outcomes in preschool programs. Uses evidenced-based practices from the Division of Early Childhood.	June 30, 2020
Region 10 Interagency Early Intervention Committee (IEIC)	Interagency group that focuses on outreach and referral to families of young children (birth through 2) in Region 10.	Ongoing

VI. Special Education Advisory Council

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

- A. Rochester Public Schools' Special Education Advisory Council is individually established.
- B. Rochester Public Schools' Special Education Advisory Council is not a subgroup of existing board/council/committee.
- C. At least half of Rochester Public Schools' Special Education Advisory Council members are parents of a child with a disability. The district has non-public schools located within its boundaries and the parent advisory council includes at least one member who is the parent of a non-public student with a disability, or an employee of a non-public school if no parent of a non-public school student with a disability is available to serve.
- D. Rochester Public Schools' Special Education Advisory Council meets no less than once per school year.
- E. The operational procedures of Rochester Public Schools' Special Education Advisory Council are attached as [Appendix \[F\]](#).

VII. Assurances

Code of Federal Regulations, section 300.201: Consistency with State policies. Rochester Public Schools, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under sections 300.101 through 300.163, and sections 300.165 through 300.174. (Authority: 20 U.S.C. § 1413(a) (1)).

Yes: Assurance given.

Appendix A

Rochester Public Schools plan for identifying a Student with a Specific Learning Disability

Referral Process for Students Ages 5-21

- A. A concern is identified by a parent or teacher;
 - (1) School districts are under an obligation to respond to either a verbal or written request for evaluation.
 - (2) If the school district agrees with the parent that the child may be a child who is eligible for special education services, the student must be assessed (with parent permission). The Federal regulations at 34 CFR §300.301(b) allow a parent to request an evaluation at any time. If the district declines the parent's request for an evaluation, the district must issue a Prior Written Notice as required under 34 CFR §300.503(a) (2) which states: "written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child." The parent can challenge this decision by requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation.
- B. Information is gathered on the student using the Child Study Team forms; and
- C. At least two research-based pre-referral interventions are conducted (in conjunction with consultation from the Child Study Team) and results are documented.
There are situations when a student's evaluation team may waive the pre-referral intervention requirements. This is a team decision and will be determined on a case-by-case basis
- D. The evaluation team reviews pre-referral information and interventions from the Child Study Team.
- E. The evaluation team will discuss the referral. If the team determines the referral is appropriate, an evaluation plan will be written. The team will also complete a Prior Written Notice and Parent Consent/ Objection Form in Student Plans. Documents will be sent to parents for review and written approval.
- F. If it is determined that an evaluation is not appropriate, the evaluation team will discuss options for action. A Prior Written Notice will be provided to parents.

The team should consist of the following personnel whenever feasible:

- (1) A licensed special education staff
- (2) A person knowledgeable in evaluation for the specific disability (a special education teacher licensed in the disability area);
- (3) Parent; and
- (4) The referring person (when appropriate).

- G. The team shall determine that a student has a specific learning disability and is in need of special education and related services when the student meets the criteria described in items A through C. 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 student's disability occur in a variety of settings.
- H. The student must demonstrate severe underachievement in response to usual classroom instruction. The performance measures used to verify this finding must be both representative of the student's curriculum and useful for developing instructional goals and objectives. The following evaluation procedures are required at a minimum to verify this finding:
- (1) Evidence of low achievement from sources such as cumulative record review, class work samples, anecdotal teacher records, formal and informal tests, curriculum based evaluation results, and results from instructional support programs; and
 - (2) At least one team member other than the student's regular teacher shall observe the student's academic performance in the regular classroom setting. In the case of a child served through an Early Childhood Special Education program or who is out of school, a team member shall observe the child in an environment appropriate for a child of that age.
- I. The student must demonstrate a severe discrepancy between general intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematical calculation, or mathematical reasoning. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The team shall consider these standardized test results as only one component of the eligibility criteria.
- (1) The instruments used to assess the student's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures.
 - (2) For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean of the distribution of difference scores for the general population of individuals at the student's chronological age level.
- J. The team must agree that it has sufficient evaluation data that verify the following conclusions:
- (1) The student has an information processing condition that is manifested by behaviors such as: inadequate or lack of expected acquisition of information, lack of organization skills, memory, expression, and motor control for written tasks such as pencil and paper assignments, drawing, and copying;
 - (2) The disabling effects of the student's information processing condition occur in a variety of settings; and
 - (3) The student's underachievement is not primarily the result of: visual, hearing, or motor impairment; mental impairment; emotional or behavioral disorders; or environmental, cultural, economic influences, or a history of an inconsistent education program.

Appendix B

Plans for Receiving Referrals

Parents, professionals, and primary caregivers may request an evaluation if they have concerns about a child's development. An evaluation will be provided through the school district at no direct cost to the family.

Referrals, for children ages birth to five and not yet enrolled in kindergarten, are made to the following:

Birth to 3 years of age, send to:

Rochester Intake Team (RIT)
Student Services
10 9 1/2 Street SE
Rochester, MN 55904
(507) 328-4545
FAX (507) 328-4044

Age 3 to Kindergarten, send to:

Early Childhood Special Education
Attention: Coordinator
10 9 1/2 Street SE
Rochester, MN 55904
(507) 328-4523 or FAX (507) 328-4535

Kindergarten & above:

Please contact your Home Area School Child Study Team

Once a referral has been received by Rochester Public Schools, you will be contacted to discuss the referral. You will then be contacted about the next steps taken in order to begin the process of having your child evaluated.

Appendix C

Rochester Public Schools Procedure Safeguard Notice (Rochester Public Schools uses the Procedural Safeguards from the Minnesota Department of Education)

INTRODUCTION

This notice provides an overview of parental special education rights, sometimes called procedural safeguards. This notice must be provided in your own language or any other mode of communication you may be using, unless such provision is clearly not feasible for the district. These same procedural safeguards are applicable for students with disabilities who have reached the age of 18. You must be provided a copy of this notice at least one time per year and:

- A. The first time the student is referred for a special education evaluation, upon evaluation, or reevaluation;
- B. The first time you or the district requests a due process hearing or you file a special education complaint with the Minnesota Department of Education; or
- C. At your request.

PRIOR WRITTEN NOTICE

When a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student, the district must serve prior written notice on the parent. The district must serve this notice on the parent within a reasonable time and in no case less than 14 calendar days before the proposed effective date of the change or evaluation. If the notice only includes a refusal of a request, the notice must be served on the parent within 14 calendar days of the date the request was made.

A prior written notice must include the following statements:

- A. A description of what the district proposes or refuses to do;
- B. An explanation of why the district proposes or refuses to take the action;
- C. A description of any other options the district considered and the reasons those options were rejected;
- D. A description of each evaluation procedure, assessment, record, or report the district used as a basis for its proposal or refusal;
- E. A description of any other factors affecting and relevant to the district's proposal or refusal;
- F. A statement that you are protected by procedural safeguards and how you can obtain a description of the procedural safeguards;
- G. Sources you may contact for help in understanding these procedural safeguards.
- H. A statement that the district will not proceed with the initial placement without your consent;

- I. A statement informing you that except for the initial placement and provision of services, the district will proceed with the proposed 2 placement and provision of services unless you object in writing within 14 calendar days after the receipt of the notice; and
- J. A statement indicating that you may request a conciliation conference if:
 - (1) You refuse to provide written consent for an initial evaluation or initial placement;
 - (2) Object in writing to any proposal; or
 - (3) The district refuses to initiate or change the identification, evaluation, educational placement, or a free appropriate public education.

PARENTAL CONSENT

Giving your informed consent means that you have been fully informed of the information relevant to the activity for which your written consent is sought. Your consent is voluntary and may be revoked at any time. However, the revocation of your consent does not negate any action that has occurred after your consent was given but before your consent was revoked. Revocation of your consent for a behavior intervention plan requires the district to immediately stop using the plan.

The district must obtain your consent before conducting an initial evaluation of the student. Your consent for an initial evaluation does not authorize the district to begin providing the student with special education and related services.

Your consent is required before the district begins to provide special education and related services to the student. If you refuse to consent to the initial provision of services to the student, the district may not override your refusal, and the district will not be considered in violation of the law for a failure to provide the student with special education and related services for which the district requested your consent.

Your consent is required before a district conducts a reevaluation of the student. The reevaluation may occur without your consent if the district has taken reasonable steps to get your consent and you have failed to respond.

You have a right to object in writing to any action the district proposes.

Generally, your consent is required before a district may disclose personally identifiable information regarding the student or the student's educational records, but this information may be disclosed to individuals within the district who have a legitimate educational interest in the information or are providing services to the student under the IDEA. This information may also be disclosed in accordance with the Family Educational Rights and Privacy Act ("FERPA"), the Minnesota Government Data Practices Act, the Individuals with Disabilities Education Act ("IDEA"), or other law.

The law mandates that a district must seek reimbursement from health care insurers for the cost of health-related services the district provides whenever the provided services are covered by the student's health insurance policy. The district will request your consent to disclose student

records for the purpose of obtaining reimbursement from the student's health insurance coverage. Your refusal to consent does not release the district from its obligation to provide a free appropriate public education to the student. You may withdraw your consent for disclosure of the student's records at any time without consequence.

MEDICAL ASSISTANCE OR MINNESOTACARE

If the student is enrolled in medical assistance or MinnesotaCare, the District will attempt to seek reimbursement for health-related services provided under the student's individual education plan ("IEP"). The district can request, though not require, you to provide information about the student's health coverage. If you refuse to provide the district with information regarding the health coverage or refuse to allow the district to share information with the health care coverer, the district still must provide all services necessary for a free appropriate public education to the student.

ACCESS TO STUDENT'S EDUCATION RECORDS

If you want to review the student's education records, the district must give you access to the records. The district must allow you to review the records without unnecessary delay, and before any meeting regarding an IEP or any due process hearing about the student.

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

- A. An explanation or interpretation of the student's records from the district upon reasonable request;
- B. Have your representative inspect and review the records on your behalf; and
- C. Request the district provide copies of the student's education records to you.

The district may not charge a fee to search or retrieve the student's education records. However, if you request copies, the district may charge a reasonable fee for the copies, unless charging that fee would prevent you from exercising your right to inspect and review the education records. If you request 100 or fewer copies of black and white, letter or legal size paper copies, the district may not charge more than \$.25 per copy.

The district must keep a record of persons accessing the student's special education records.

This record must include the persons, except the parents and district employees, who are given access to the student's education records. This record of access must include the name of the person who accessed the records, the date of access, and the purpose of the person's access to the student's education records.

You may specifically request a copy of all records concerning IEP health-related services disclosed by the district to a third party.

INDEPENDENT EDUCATIONAL EVALUATIONS

An independent educational evaluation (“IEE”) is an evaluation by a qualified person who is not an employee of your district. You may ask for an IEE at school district expense once the district evaluates the student and you disagree with the district’s evaluation. A hearing officer may also order an independent evaluation of the student at school district expense during the pendency of a due process hearing.

Upon your request for an IEE, the district must provide you with information about where an IEE may be obtained and the applicable district criteria for an IEE. When you request an IEE, the district must, without delay, ensure that either the IEE is provided at public expense or request a hearing to determine the appropriateness of the district’s evaluation. If the district requests a hearing and the hearing officer determines the district’s evaluation is appropriate, you still have the right to an independent evaluation, but not at public expense. If you obtain an IEE at your own expense, the results of the evaluation must be considered by the district and may be presented as evidence at a due process hearing regarding the student.

MEDIATION

Mediation is a voluntary process to help resolve disputes. Mediation uses a neutral third party trained in dispute resolution techniques. Mediation may not be used to deny or delay your right to a due process hearing or other procedural safeguards. If both you and the district agree to try mediation, a mediator will be assigned. The state will pay for the costs of mediation, but not for attorneys brought by either you or the district. The mediation will be scheduled in a timely manner and a location convenient to you and the district. All discussions during the mediation are confidential and cannot be brought forth later as evidence in a due process hearing. At any time during the mediation, you or the district may end the mediation. If a resolution arises from the mediation, the parties must execute a legally binding agreement stating the resolution and the confidentiality of the discussions that occurred during the mediation. The agreement must be signed by both you and the district. You or the district may request mediation from the Minnesota Special Education Mediation Service (MNSEMS) at 651-582-8222 or 1-866-466-7367.

WRITTEN COMPLAINTS

Any parent, district, or organization may file a complaint with the Minnesota Department of Education (“MDE”). This complaint must be with respect to the identification, evaluation, educational placement, or provision of a free appropriate education of the student. A complaint sent to MDE must:

- A. Be in writing and be signed by the individual or organization filing the complaint;
- B. Allege violations of special education law or rules that have occurred within two years of the date the complainant knew or should have known about the alleged action that forms the basis of the complaint.
- C. State the facts upon which the allegation is based; and

D. Include the name, address, and telephone number of the complainant. The complaint must be sent to:

Minnesota Department Education Division of Compliance
Assistance Due Process Supervisor
1500 West Highway 36
Roseville, MN 55113-4266
(T) 651-582-8689 (F) 651-582-8725

MDE will issue a written decision within 60 days. The final complaint decision may be appealed to the Minnesota Court of Appeals within 60 days of the date the decision is issued.

IMPARTIAL DUE PROCESS HEARING

Both you and the district have a right to request in writing an impartial due process hearing within two years of the date you or the district knew or should have known about the alleged action that forms the basis of the complaint. A request for a hearing must be sent to MDE and to the other party. A due process hearing may address any matter related to the identification, evaluation, educational placement, manifestation determination, or provision of a free appropriate public education of the student. The MDE will appoint an impartial hearing officer to conduct the due process hearing. If the MDE is the provider of services to the student, the MDE will request the Office of Administrative Hearings to appoint a qualified hearing officer.

Request for Due Process Hearing

The request for a due process hearing must include:

- A. The name of the student;
- B. The address of the student;
- C. The name of the school the student is attending;
- D. A description of the nature of the problem(s) of the student causing you to request the hearing, including facts relating to such problem(s); and
- E. A proposed resolution of the problem to the extent known to you.

The requesting party may not have a due process hearing until the requesting party submits a request that complies with these requirements.

Resolution Session

When you request a hearing, the district must arrange for a resolution session to occur within 15 days after receiving the hearing request. The resolution session is an opportunity for you to discuss your complaint with the district and gives the district an opportunity to resolve the complaint. The resolution session must include you and relevant members of the IEP team. If an agreement is reached during the resolution session, you and the district must execute a legally binding agreement stating the resolution. Either party may void the agreement within three business days of signing the agreement.

The requirement for this resolution session may only be waived if (1) both you and the district agree to mediation; or (2) both you and the district agree to waive the resolution session requirement in writing. If you do not attend a resolution meeting or mediation, you are not entitled to a hearing.

Disclosure of Additional Evidence Before a Hearing

At least five business days before a hearing, you and the district must disclose to each other any evidence that you intend to use at the hearing, including, but not limited to, all evaluations of the student completed by that date as well as any recommendations based on those evaluations. A hearing officer may refuse to allow you to introduce any undisclosed evidence at the hearing unless the other party consents. All evidence must be limited to the specific issues described in the request for a due process hearing.

Your Rights During Hearing

Both you and the district have the right to:

- A. Be accompanied and advised by an attorney and by individuals with special knowledge or training with respect to the problems of students with disabilities;
- B. Present evidence;
- C. Confront, cross-examine, and compel the attendance of witnesses;
- D. Prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing, including, but not limited to, evaluation data and recommendations based on that data;
- E. Receive a written copy of the hearing transcript, or at your discretion, an electronic, verbatim record of the hearing; and
- F. Receive a written copy of the hearing officer's findings of fact and decision, or at your discretion, an electronic version of the findings of fact and decision.

As a parent, you have the right to:

- A. Have the student who is the subject of the hearing present;
- B. Open the hearing to the public; and
- C. Notice of the time, date, and place of the hearing from the hearing officer at least ten calendar days in advance of the hearing.

Hearing Process

The hearing must be held at a location within the district responsible for ensuring a free appropriate public education.

The burden of proof at the hearing is on the district to demonstrate, by a preponderance of the evidence, that it is complying with the law and offered or provided a free appropriate public education to the student in the least restrictive environment. If the district has not offered or provided a free appropriate public education in the least restrictive environment and you want

the district to pay for a private placement, the burden of proof is on you to demonstrate, by a preponderance of the evidence, that the private placement is appropriate.

With the exception of an expedited hearing for which a decision must be rendered within ten days of the completion of the hearing, the hearing officer will make a written decision based only on evidence received and introduced in the record at the hearing not more than 45 calendar days from the expiration of the resolution period. Extensions may be available under some circumstances if the requesting party can show good cause. The proposed action or refusal will be upheld only upon a showing by the district by a preponderance of the evidence.

You have the burden of proving, by a preponderance of the evidence, that services for which you are paying or have paid, and for which you are seeking public funds, are appropriate for the student. In order for you to prevail, the hearing officer must have found that the district has failed to provide a free appropriate public education in the least restrictive environment.

Attorneys' Fees for Hearings

You may be able to recover your attorney's fees if you prevail in a due process hearing or further civil action. A petition for fees must be filed in a court of competent jurisdiction. A judge may make an award of attorney fees based on prevailing rates in your community. The court may reduce an award of attorney fees if it finds that you unreasonably delayed the settlement or decision in the case.

If the district prevails and a court agrees that your request for a hearing was for any improper purpose, such as to harass the district, you may be required to pay the district's attorney's fees.

EXPEDITED HEARINGS

An expedited due process hearing may occur in the following situations:

- A. Whenever you request a hearing to dispute a determination that the student's behavior was not a direct result or caused by the student's disability;
- B. Whenever you request a hearing to dispute a 45-day interim alternative education placement order by the district; or
- C. When a district requests an expedited hearing to establish that it is dangerous for the student to remain in the current placement.

An expedited hearing must be held within 20 school days of the request for hearing. The hearing officer must issue the determination within 10 school days of the hearing. If you requested the expedited hearing, you and the district must comply with the resolution session requirement, mentioned in detail above. A hearing officer may decide to move the student to an interim alternative educational setting for up to 45 school days if the hearing officer determines that the student is substantially likely to injure self or others if he or she remains in the current placement.

CIVIL ACTION

The independent hearing officer's decision is final unless you or the district files a civil action.

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

STUDENT PLACEMENT DURING A HEARING OR CIVIL ACTION

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

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

1. A student may be removed from his or her educational setting for not more than 45 days to an interim alternative educational placement for certain weapon, drug, or serious bodily injury violations;
2. A decision by the hearing officer confirming your proposed student placement is the appropriate stay-put placement for the student; and
3. If you and the district agree to a different placement pending the completion of the proceeding.

INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT

The district may unilaterally change the student's educational placement for up to 45 school days if the student:

- A. Possesses a dangerous weapon at school, on school premises, or at a school function;
- B. Carries a dangerous weapon to school, on school premises, or at a school function;
- C. Knowingly possesses or uses illegal drugs at school, on school premises, or at a school function;
- D. Sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function;
- E. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

The IEP team determines the interim alternative educational setting at which the student will be placed. Even though this is a temporary change, the setting must allow the student:

- A. To continue to progress in the general curriculum, although in a different setting;
- B. To continue to receive those services and modifications, including those described in the student's IEP, that will help the student meet his or her IEP goals; and

C. Include services and modifications designed to prevent the behavior from recurring.

If the student is placed in an interim alternative educational setting, an IEP team meeting must be convened within 10 school days of the decision. At this meeting, the team must discuss the behavior and its relationship to the student's disability, review evaluation information regarding the behavior, consider teacher observations, your input, and determine the appropriateness of the student's IEP and any behavior plan.

PRIVATE SCHOOL PLACEMENT

If your district has failed to or is unable to provide the student a free appropriate public education, you may be able to recover costs from a placement at an appropriate private school. You may be able to recover tuition expenses for a private school placement if you inform the district of your intent to enroll the student in a private school at public expense. This must be done at the most recent IEP team meeting prior to the removal of the student from public school or by written notice to the district at least 10 business days prior to removal of the student from public school. Your written notice must state why you disagree with the district's proposed IEP or placement.

Your failure to tell the school of your intent to enroll the student in a private school at public expense, your failure to make the student available for evaluation, or other unreasonable delay on your part could result in a reduction or denial of reimbursement for the private school placement. If the district prevented you from providing notice, you are illiterate, or you cannot write in English, the hearing officer may not reduce the reimbursement.

Appendix D

IEIC Membership

Region 10 IEIC consists of the following individuals:

- A. Christian Wernau, Region 10 Regional Low Incidence Facilitator
- B. Becky Tennis Hanson, IEIC Coordinator
- C. Kara Tempel, MDE Representative
- D. Teresa Buck, Natalie Loock, June Piepho, Public Health
- E. Crystal Peterson, Rene Arendt, County Human Services
- F. Terri McLaughlin, Dawn Tommerdahl, Head Start(Families First)
- G. Stephanie Bonjour, Nikki Heinen, Colleen Johnson, Jodi Barlow, Mona Skare, Shari Mensink, Paula Birch, Sarah Larson, Sara Line, Don Scheckel, Amy Adams, Ann Riebel, Melissa Brandt, Education
- H. Holly Schoenbauer, Stephanie Bonjour, Parent Rep
- I. Barb Wilson, Sue Nagel, Families First
- J. Jill Harves, Naomi Olson, Centers of Excellence Staff
- K. Diana Eipers, School Readiness Program

The chair of the IEIC is Teresa Buck.

Appendix E

IEIC Operational Procedures

Mission Statement

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

Purpose of the Committee

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

Glossary of Terms:

- ICC – Governor’s Interagency Coordinating Council
- IEIC – Interagency Early Intervention Committee
- Regional IEIC – Region 10 IEIC
- SEAU – Special Education Administrative Unit
- CoE – Centers of Excellence (project through MDE)
- RLIP – Regional Low Incidence Projects
- EHDI – Early Hearing Detection Intervention
- HMG – Help Me Grow
- FAP – Follow Along Program
- PDF – Professional Development Facilitator

Requirements of the Committee

Statutory Requirements:

Purpose of Interagency Early Intervention Committee: M.S. 125A.30

- A. A school district, group of districts, or special education cooperative, in cooperation with the health and human service agencies located in the county or counties in which the district or cooperative is located, must establish an Interagency Early Intervention Committee for children with disabilities under age five and their families under this section, and for children with disabilities ages three to 22 consistent with the requirements under sections 125A.023 and 125A.027. Committees must include representatives of local health, education, and county human service agencies, county boards, school boards, early childhood family education programs, Head Start, parents of young children with disabilities under age 12, child care resource and referral agencies, school readiness programs, current service providers, and may also include representatives from other private or public agencies and school nurses. The Committee must elect a chair from among its members and must meet at least quarterly.
- B. The Committee must develop and implement interagency policies and procedures concerning the following ongoing duties:
 1. Develop public awareness systems designed to inform potential recipient families, especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, of available programs and services;

2. To reduce families' need for future services, and especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities, including a child under the age of three who:
 - a) Is involved in a substantiated case of abuse or neglect or
 - b) Is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;
 3. Establish and evaluate the identification, referral, child and family assessment systems, procedural safeguard process, and community learning systems to recommend, where necessary, alterations and improvements;
 4. Assure the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individual education plans and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies;
 5. Implement a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;
 6. Facilitate the development of a transitional plan if a service provider is not recommended to continue to provide services;
 7. Identify the current services and funding being provided within the community for children with disabilities under age five and their families;
 8. Develop a plan for the allocation and expenditure of additional state and federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313); and
 9. Develop a policy that is consistent with section 13.05, subdivision 9, and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public.
- C. The local Committee shall also:
1. Participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families; and
 2. Review and comment on the early intervention section of the total special education system (TSES) for the district, the county social service plan, the section or sections of the community health services plan that address needs of and service activities targeted to children with special health care needs, the section on children with special needs in the county child care fund plan, sections in Head Start plans on coordinated planning and services for children with special needs, any relevant portions of early childhood education plans, such as early childhood family education or school readiness, or other applicable coordinated school and community plans for early childhood programs and services, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities.

Relationships/ Alignment / Priorities

Lead Agency and State Partners

Minnesota Department of Education is the lead agency for Part C Early Intervention services, with Minnesota Department of Health and Department of Human Services participating as state partners, in delivering a comprehensive and coordinated interagency system. State agency staff may attend and participate in the Region 10 IEIC as ex officio members.

Governor's Interagency Coordinating Council (ICC)

The Region 10 designee will attend the ICC meetings and report the business of the Regional IEIC to the ICC in the role of a guest.

Special Education Administrative Units (SEAU)

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

Other local agencies

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

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

The Region 10 IEIC will collaborate with the COE to ensure that ongoing training needs are met. The COE will participate in assessing district/local agency needs for training.

Operational Considerations

Fiscal Host

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

The agency designated as the fiscal host must be an eligible recipient of federal special education funds and agrees to expend these federal funds consistent with the approved budget and in accordance with the "Statement of Assurances" as signed by the district special education director and superintendent.

Local Primary Agency (LPA)

The local primary agency for the region 10 IEIC is the Zumbro Education District.

The LPA will perform duties consistent with Minnesota Statutes, section 125A.31 including: providing oversight of funds received through the annual fund request and providing oversight for data collection efforts.

Maintenance of Documents

The Local Primary Agency will maintain IEIC documents. Examples of documents include Operating Procedures, Work Plan, meeting minutes, fiscal host, membership rosters, meeting sign-in sheets, and other documents as identified.

Website Posting

Minutes, agendas, etc. will be on <http://region10projects.org>.

Process to change Operating Procedures

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

Demographics

Geographic Area Served:

- Region 10 Low Incidence Projects covers 11 counties
- 6,770 square miles
- Population of 460,102.
- Serving approximately 80,600 students.
- Serving approximately 10,300 special education students.
- Serving approximately 4,000 Birth – 2 students

Counties Served:

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

Head Start Programs Served:

- Tri Valley Migrant Head Start, Families First of Minnesota, Head Start- Freeborn & Olmsted, Three Rivers, & SEMCAC

Reservation Served:

- Prairie Island Reservation

School Districts Served:

- 44 School Districts
- 5 Non-Public Schools
- 13 Charter Schools
- 3 Education Districts
- 1 Consortium

Membership

Terms of Membership

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

Mandated Sector Membership Representation:

- Health
- Education
- County Human Services
- Early Childhood Family Education Programs
- Head Start
- Parents of Young Children with Disabilities Under Age 12
- Child Care Resource and Referral
- School Readiness Programs
- Current Service

Additional Representative Membership:

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

Ex Officio Membership:

- MDE designee
- COE staff
- Regional Low Incidence Facilitator

Recruitment/ Selection Of Membership:

Determined by the Region 10 IEIC

Elected Offices:

- Chair
- Chair-elect
- Recorder

Position Funded by Region 10 IEIC

- Coordinator
 - Position requires approval each year at the spring meeting so that the budget for the upcoming year can be appropriately set
 - Duties include:
 - To ensure that the IEIC goals are addressed,
 - To be a communication link/liaison,
 - To attend regional and state meetings
 - To support the work of the IEIC

Other Officers:

ICC Representatives (2)

Meeting Facilitator:

The Chair/Chair-elect will be responsible to facilitate the Region 10 IEIC meetings.

Assurance of Area Representation:

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

Removal/Replacement:

Members of the Region 10 IEIC who are unable to continue on the Regional IEIC: Priority will be to fill the vacancy with the mandated sector membership defined in statute. If unable, another representative from that county may serve. In the event a Regional IEIC committee member shall miss two of the scheduled committee meetings in a twelve-month period without notifying the IEIC Chair(s), the Chair(s) of the Regional IEIC Committee shall have the right to remove the absent member and the membership committee shall fill the vacancy thereby created.

Conflict Of Interest:

Any individual working for an agency that may benefit from a decision that is made would need to disclose that potential conflict of interest. No member of the Committee may cast a vote on any matter that would provide direct financial or other perceived benefit to that member or otherwise give the appearance of a conflict of interest.

Meetings**Meeting Cycle:**

Quarterly meetings will be held.

- 1st Q: Summer July-September
- 2nd Q: Fall October-December
- 3rd Q: Winter January-March
- 4th Q: Spring April-June

Meeting Notification:

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

Parliamentary Authority:

Roberts Rules of Order

Attendance:

Two consecutive absences without notifying the chair may result in dismissal from the Committee. Designees may be assigned as follows:

- When members are unable to attend scheduled Region 10 IEIC meetings, they may assign a designee, in writing, to the Chair. The designee shall have the authority to exercise the full privileges of the absent member.

Decision-Making Process/Voting:

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

Distribution of Meeting Minutes to Other Stakeholders/Interested Parties:

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

Electronic Participation:

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

Absentee Voting:

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

Standing Agenda Format:

The agenda format will follow the Roberts Rules

Quorum:

Quorum will be a simple majority of current membership.

Voting:

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

Conflict:

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

Reimbursement Policies:

The Region 10 IEIC will determine if any members or positions shall receive reimbursement for participation and duties on the IEIC. If a Regional IEIC member is serving within his/her assigned job duties, the Regional IEIC committee will not reimburse expenses.

Appendix F

SEAC Operational Procedures

SEAC Mission

The purpose of the Special Education Advisory Council is to advise the Executive Director of Student Services in the area of special education. It provides a forum for discussion of district, local, state, and national programs and policies that affect special education services. The SEAC also provides input and recommendation regarding special education services. The council establishes and implements annual goals and provides information and education on special education topics.

Operational Procedures

The SEAC shall be advisory in nature to the Executive Director of Student Services regarding recommendations for current or proposed special education policy, programs or services at the district level. The Executive Director of Student Support Services will have final authority on how to proceed with recommendations.

Information may be brought to the SEAC by the members of the SEAC, parents, the special education department, and the community at large. Topics shall be submitted to the chairperson of the SEAC and approved items will be added to future agendas.

The SEAC shall have access to the School Board and the Superintendent through the Executive Director of Student Services.

The SEAC shall establish and implement annual goals for the continuous improvement of special education services.

Membership

The SEAC shall be comprised of members appointed by the Executive Director of Student Services. Members will include parents of students with special needs, community members, and district staff members. Parents will represent at least fifty percent of the SEAC membership. Every effort will be made to ensure that the SEAC membership reflect a wide range of disabilities.

Terms of Membership

SEAC members shall serve an initial two year term. Members in good standing may be reappointed on a yearly basis at the discretion of the Executive Director of Student Services.

Meetings

- A. The SEAC meets no less than one (1) time per school year.

- B. Meeting Procedures: Discussion, leading toward a consensus of the members present, will be the prevailing procedure in SEAC meetings.
- C. Agenda: Topics shall be submitted to the Chairperson of the SEAC and approved items will be added to the agenda. Agendas will be sent to the SEAC members at least one week prior to the meeting.
- D. Minutes: Minutes will be distributed to the SEAC members at least one week prior to the next SEAC meeting.
- E. Officers: The officers elected to a two year term will be the Chair and Vice Chair. Nominations for officers will be made by council representatives.
- F. Consultants: The SEAC may request consultation from professionals within and outside of the Rochester Public School System on a volunteer basis. All requests for consultants to share information with the SEAC need to be approved by the Director of Student Support Services.

Attendance Requirements

Members who acquire three absences during a one year term will be asked to resign from the council. The SEAC will consider waiving attendance requirements given extenuating circumstances.