

**Consolidation of Pertinent  
FOCUS Newsletter Information  
August, 2009**



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**Consolidation of Pertinent FOCUS Newsletter Information**  
**August, 2009**

The following document contains pertinent sections from FOCUS newsletters written since 2001. The newsletters have been updated to reflect current information or practice.

**FOCUS on IEPs - September, 2001**

**Q: How can I determine what the federal settings are on IEPs? Where can I find the definitions for federal settings?**

**A:** You can use the document called Federal Child Count Settings for determining the appropriate setting for your building (based upon the amount of time a student is removed from the regular education setting). This is available on our special education website under resources. The address is: <http://isd742.org/specialeducation/FCCSettings.pdf>. *(Updated 8/2006)*

**Q: If you are doing an initial IEP, does it make sense to check “more data needed” for ESY?**

**A:** Yes, if you are uncertain that the student will qualify for ESY. However, if you check “more data needed” you will need to make sure that you do in fact gather the information and document the final decision in a reasonable period of time (well before the summer break).

**Q: Where should I record information about an altered school day?**

**A:** In the Supplemental Aids section of Adaptations Section. Please specify the number of hours per day the student will be attending school. If you are providing special education services to kindergartners after their school day, record the time per day in this section.

**Q: Are we still required to include interagency responsibilities or linkages?**

**A:** Yes. For transition, you should identify the agencies or providers, in the Summary of Transition Service section.

**Q: Can we include additional information that we want to share with parents on the Progress Reports?**

**A:** The purpose of the Progress Report is to report the student’s progress on their goals. Other information should be reported separately - in a memo or a note to the parents.

## **FOCUS on Progress Reporting - November, 2001** *(Updated 8/2009)*

**Q:** What is the required frequency of progress reporting?

**A:** Progress Reports must be provided to parents with the same frequency that general education reports student progress.

Progress Reports should generally be mailed or sent home in conjunction with report cards. A student's report card does not replace a Progress Report and should not indicate that the student receives special education.

Four Progress Reports are required for all buildings except Apollo. Children served in the Infant and Toddler program should have at least one periodic review in addition to the IFSP/IIIP. The IEP may be counted as one of the Progress Reports when the completed IEP is sent to the parents within a few weeks of report cards being mailed or sent home.

**Q: What form should Progress Reports take?**

**A:** Progress Reports must inform a parent of the student's progress toward achieving the annual IEP goals and **must** include **data** for each goal. So in addition to checking one of the codes (check I (Insufficient Progress), A (Adequate Progress), or M (Goal Met)), include data for each goal. As indicated by the following definitions, the codes describe the child's progress towards their annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals before the next annual IEP.

Insufficient Progress indicates that the student is not progressing at a rate to achieve the IEP goal within one year.

Adequate Progress indicates that the student is progressing at a rate to achieve the IEP goal within one year.

Goal Met indicates that the student has achieved the annual IEP Goal.

Not Yet Addressed

Please note that you must have written documentation when conferences, phone calls or home visits are the method for completing Progress Reports. You can use Student Conferences Logs in Student Plans to document the completion of Progress Reports when these methods are used.

## **FOCUS on Significant Changes - November, 2001** *(Updated 8/2009)*

There have been numerous situations this year which indicate there is some confusion about what changes may be made in a student's education plan (IEP) without conducting a formal program planning meeting and developing a new IEP. It was suggested that it may be beneficial if some guidelines be provided to all staff as a reference.

- a. The following are examples of changes that do not require a team meeting to revise the IEP; however, the parent(s) must be notified: (1) time of day of services; (2) service provider change; (3) changes in regular education curriculum, methods, and teaching strategy; (4) changes in buildings which are NOT the result of a "change in placement; (5) changes in objectives; or (6) correcting typographical errors or including missing information that was discussed at the meeting. Also, if a parent agrees that it is not necessary to have an

IEP meeting to change a testing decision or accommodations, IEP managers can change a testing decision or accommodation by revising the existing IEP. (*Updated 4/2009*)

Minnesota Rules 3525.0210 defines a significant change in a program or placement requiring a notice to parent(s) and revision of the current IEP as occurring:

- A. When IEP goals have been changed, added, or deleted.
- B. When there is need to add or delete any special education service based on a progress report and/or new evaluation data. This would include a related or support service.
- C. When a change in site or setting is proposed.

Site includes: (1) School building learner would attend if they did not have disabling conditions(s); (2) Alternative regular school within the district; (3) Alternative regular school outside of the district; (4) Home; (5) Community based site other than a school or home; (6) Residential school; (7) Hospital or treatment center.

Setting includes: (1) Regular education classroom (e.g., English, Science); (2) Special education classroom (e.g., resource room, tutoring space, speech room); (3) Integrated community (e.g., workplace, nursery school); (4) Other (as specified).

- D. When the amount of time a learner spends with peers who do not have disabling conditions or who are not receiving special education services is reduced or increased.
- E. When the team determines that there is a need for a conditional/regulated intervention<sup>1</sup>.

If you anticipate any of the situations described above as you are preparing for a progress report on a student's program, it would be advisable to proceed on the basis that it is likely that the IEP will be modified, so all due process procedures must be followed.

## **FOCUS on Year End Reminders - May, 2002**

### **Required Extended School Year Documentation**

To assist in next year's decision making for ESY, we are reminding you to document specific information about your student's level of performance on their annual goals prior to the summer break. This information can then be used next September to determine if there has been significant regression - a significant decline in the performance of a skill or acquired knowledge in a critical area specified in the annual goal(s). A suggested location for this information would be the Progress Report. For those students receiving primarily a functional curriculum, you will need to note the student's current level of performance to determine the impact of an extended break in

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<sup>1</sup> Conditional interventions include: time out for seclusion; the use of manual restraint by school staff; the use of mechanical or locked restraints by school staff and; temporary delay or withdrawal of regularly scheduled meals or water not to exceed 30 minutes. (Revised 8/2007)

school programming on his/her ultimate level of self sufficiency (e.g., ability to communicate, walk, perform daily routines, basic reading).

**Required Forms for Students Who Are Graduating** *(Updated 8/2007)*

The following table lists the forms that must be completed for students who are graduating and the reason for completion or required content. All forms, except the Status Change Form, are included in Student Plans. The Status Change form is available on the Special Education section of the District web site under Department Forms. It is not necessary to complete an Evaluation when a student discontinues special education services due to graduation. *(Updated 5/2005)*

<b>Form</b>	<b>Reason for Completion or Required Content</b> <i>(Updated 8/07)</i>
Notice of a Team Meeting	A meeting must be held to inform parents that the student has met IEP goals and completed the necessary coursework/standards for graduation, and of the team’s proposal to discontinue special education services due to graduation.
Prior Written Consent	Parents must be notified of the district’s intent to proceed with graduation and discontinue special education services unless the parent objects in writing within 14 calendar days.
Progress Report	Document IEP team’s determination that IEP goals have been achieved.
Summary of Performance	Summarizes student performance on goals and need for support in post secondary environments.
Status Change Form (SE-51 on the web)	Informs the District Special Education Office that the student has discontinued all special education services due to graduation.

The Graduation Plan Worksheet is an optional form that can be used to document completed coursework and/or modified expectations.

Please send all completed forms to Julie Gillen at the DAO.

**FOCUS on Evaluation Reports - November, 2002** *(Updated 8/2007)*

This Focus newsletter will summarize common questions concerning Evaluation requirements and our answers to those questions.

- Q:** Is it true that a child has to be formally assessed and an Evaluation Report written whenever a child is terminated from special education services?
- A:** Yes, an Evaluation Report must be written when ALL special education services will be terminated due to the IDEA requirement that, “A public agency must evaluate a child with a disability in accordance with Secs. 300.532 and 300.533 before determining that the child is no

longer a child with a disability”.<sup>2</sup> Because an evaluation is required, then an evaluation report is necessary. The evaluation process may not require any new assessment beyond that of evaluating the progress that led to the determination that services were no longer needed. In that case, the Notice of Educational Evaluation/Reevaluation would still be required to be sent to parents with box c. checked - “Based on a review of existing data regarding your child, additional testing is not needed to confirm if your child continues to have a disability and needs special education services”. This will document that the parents have been given the opportunity to object and request an assessment. Then you should:

- 1) Write a brief Evaluation Report
- 2) Fill out the Status Change form (SE-51) and send a copy to the DAO
- 3) Change the status of the student’s IEP to inactive.
- 4) Complete and send home a Prior Written Notice form for parent’s signature.
- 5) Change the student’s status in Student Plans to inactive

If a child is only being terminated from one area of service (for example Speech) and still remains eligible for SLD services, then an evaluation and report are not required. (*Updated 8/2004*)

**Q:** Is a new IEP required when a child exits from a service because they have met their goals? For example, if a student with the disabilities of SLD and SP/L exits Speech because they meet their goals in this area, do we have to write a new IEP?

**A:** Yes, Minnesota Rules 3525.3600 states that a significant change in a program or placement requiring a notice to parent(s) and revision of the current IEP occurs when there is a need to add or delete any special education service based on a progress report and/or new evaluation data. This would include a related or support service.

**Q:** If a second Notice of Educational Evaluation/Reevaluation form becomes necessary because the team decides to do additional testing, does the new date you receive the second parent signature extend the evaluation period?

**A:** No, the receipt of an additional Notice giving parental permission does not change the original 30-school day timeline which started with the date that the District received the first signed Notice and proceeded with the evaluation.

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<sup>2</sup>CFR 300.534 (c)(1)

## **FOCUS on Extended School Year - November, 2002** *(Updated 8/2004)*

### **ESY**

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 a free appropriate public education. This FOCUS will provide information on Extended School Year.

#### Background

ESY **originated** with the concept that some pupils in special education suffer significant skill losses and fail to quickly regain those skills within a reasonable amount of time in the next year. The loss of skills is termed regression and relearning is termed recoupment.

**Most children** have been shown to **exhibit regression** during the summer months, however the level of regression does not usually necessitate the provision of ESY. Research conducted by the Seattle Public Schools demonstrated that patterns of regression and recoupment are fairly similar for pupils in regular and special education. The study found that pupils with moderate to severe mental handicaps and multiple handicaps had a faster rate of regression on all types of tests and a slower recoupment on cognitive test items. Approximately 10% to 14% of these pupils demonstrated regression levels and recoupment difficulties which necessitated the provision of ESY. Pupils with mild to moderate mental handicaps, emotional or behavioral disorders, and hearing impairments had regression and recoupment patterns which were similar to regular education pupils, thus very few (6%) demonstrated a need for ESY.

In order to **decide if ESY services are both necessary and appropriate**, the IEP Team must determine that the pupil needs ESY because they would experience significant regression of a skill or acquired knowledge from their level of performance on an annual goal that requires more than the length of the break in instruction to recoup, **or** services are necessary for the pupil to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the pupil's age and level of development, and the timeliness for teaching the skill **or** given the pupil's unique needs, ESY services are necessary to ensure the pupil receives a free appropriate public education.

It is not sufficient to assert that a pupil would benefit from ESY. **ESY is not intended to increase skill levels - but rather to prevent significant regression.** Numerous court cases have substantiated that the level of regression that supports the provision of ESY is that which is "extraordinary and irretrievable".

#### **ESY Determinations - Avoiding Litigation**

Over the past year, timing of ESY determinations has been the subject of some litigation. While a deadline for making ESY determinations has not been established by regulation or case law, districts are well advised not to delay such determinations. According to the Office of Special Education programs, "public agencies are expected to **ensure that [ESY] determinations are**

**made in a timely manner** so that children with disabilities who require ESY services in order to receive FAPE can receive the necessary services.”<sup>3</sup>

In order to **avoid litigation** on issues concerning ESY, keep the following pointers in mind:

- A. Where possible, begin the data collection process early. If the IEP team believes that a pupil may need ESY they must:
  - 1. Decide that ESY monitoring is necessary.
  - 2. Identify critical goals.
  - 3. Assign a case manager to monitor pupil performance and collect data on critical goals (See ESY Manual for data collection procedures).
- B. Where possible, utilize standardized instruments and objective data in addition to teacher observations to make determinations on regression and recoupment.
- C. Consider the self-sufficiency criteria in addition to regression.
- D. Do not limit ESY services to particular categories of disabilities;
- E. Do not unilaterally limit the type, amount and duration of services which the district is prepared to provide.
- F. DO not confuse or use terms “summer school” and “ESY” interchangeably.
- G. Be sure to complete the Extended School Year Section in Student Plans. The ESY screen presents the options of “ Yes”, “ No “or “ More Data Needed”. You will only need to complete the ESY Criteria Checklist if you select “ Yes”. The ESY Criteria Checklist will only print on students where you have selected “ Yes” and completed the ESY Criteria Checklist. (*Updated 8/2004*)

### **ESY Criteria and Definitions**

The table on the next page presents ESY criteria and definitions from Minnesota Rule 3525.0755.

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<sup>3</sup>Volume 64 Federal Register No. 48, Friday, March 12, 1999, page 12576.

ESY Criteria	Definitions
<p><b>Determination of ESY Entitlement</b> - At least annually, the IEP team must determine a pupil is in need of ESY services if the pupil meets the conditions of item A, B, or C.</p> <ul style="list-style-type: none"> <li>A. there will be significant regression of a skill or acquired knowledge from the pupil's level of performance on an annual goal that requires more than the length of the break in instruction to recoup unless the IEP team determines a shorter time for recoupment is more appropriate;</li> <li>B. services are necessary for the pupil to attain and maintain self-sufficiency because of the critical nature of the skill addressed by an annual goal, the pupil's age and level of development, and the timeliness for teaching the skill; or</li> <li>C. the IEP team otherwise determines, given the pupil's unique needs, that ESY services are necessary to ensure the pupil receives a free appropriate public education.</li> </ul> <p><b>Sources of information for IEP team determination</b> - The IEP team must decide the basis for determining whether a pupil is eligible for ESY services using information including:</p> <ul style="list-style-type: none"> <li>A. prior observation of the pupil's regression and recoupment over the summer;</li> <li>B. observation of the pupil's tendency to regress over extended breaks in instruction during the school year; and</li> <li>C. experience with other pupils with similar instructional needs.</li> </ul> <p><b>Other factors to be considered</b> - In making its determination of ESY needs under item A (regression/recoupment), B (self sufficiency), or C (other), the IEP team must consider the following factors, where relevant:</p> <ul style="list-style-type: none"> <li>A. the pupil's progress and maintenance of skills during the regular school year;</li> <li>B. the pupil's degree of impairment;</li> <li>C. the pupil's rate of progress;</li> <li>D. the pupil's behavioral or physical problems;</li> <li>E. the availability of alternative resources;</li> <li>F. the pupil's ability and need to interact with nondisabled peers;</li> <li>G. the areas of the pupil's curriculum which need continuous attention; or</li> <li>H. the pupil's vocational needs.</li> </ul>	<p><b>"Level of performance"</b> means a pupil's progress toward annual IEP goals immediately prior to a break in instruction as seen in the progress measurements required by M.R. 3525.2810, subpart 1, item A, subitem (9).</p> <p><b>"Recoupment"</b> means a pupil's ability to regain the performance of a skill or acquired knowledge to approximately the same level of performance just prior to the break in instruction.</p> <p><b>"Regression"</b> means a significant decline in the performance of a skill or acquired knowledge, specified in the annual goals as stated in the pupil's IEP that occurs during a break in instruction.</p> <p><b>"Self-sufficiency"</b> means the functional skills necessary for a pupil to achieve a reasonable degree of personal independence as typically identified in the annual IEP goals for a pupil requiring a functional curriculum. To attain self-sufficiency, a pupil must maintain skills consistent with the pupil's IEP goals in any of these skill areas:</p> <ul style="list-style-type: none"> <li>(1) basic self-help, including toileting, eating, feeding, and dressing;</li> <li>(2) muscular control;</li> <li>(3) physical mobility;</li> <li>(4) impulse control;</li> <li>(5) personal hygiene;</li> <li>(6) development of stable relationships with peers and adults;</li> <li>(7) basic communication; or</li> <li>(8) functional academic competency, including basic reading and writing skills, concepts of time and money, and numerical or temporal relationships.</li> </ul>

## **FOCUS on Statewide Assessment - December, 2002** (*Updated 8/2007*)

### **Resources for Statewide Testing**

To access statewide testing information from the District Home Page (<http://isd742.org>):

1. Click on “Department” on the top of the District Home Page.
2. Scroll down the list of departments and click on “Curriculum”.
3. Click on Assessment/Testing on the left hand side of the screen to access the Procedures Manual for Minnesota Assessments, the Testing Schedule, and descriptions of available accommodations.

The special education department uses the Testing Opportunity Forms which IEP managers complete to request special order materials and generate testing reports which summarize the testing decisions, accommodations and/or modifications for students on their caseload. Please review the testing reports when you receive them and inform Susan O’Connor Meyer, Extension 1213, of any changes in special order materials, testing decisions, or accommodations and/or modifications. (*Updated 8/2007*)

**FOCUS on Mandated Reporting - January, 2003 (Updated 8/2007)**

This FOCUS will review mandated reporting requirements and a change in the definition of physical abuse which highlights the need to follow procedures when using regulated interventions.

**Mandated Reporting**

As mandated reporters, all school personnel must immediately report the maltreatment of school children which they know or have reason to believe is happening or has happened within the preceding three years. Maltreatment includes physical abuse, neglect, sexual abuse, and mental injury. See Board Policy 414, Mandated Reporting of Child Neglect or Physical or Sexual Abuse, for definitions.

Make the report to the appropriate local social service agency, police department or county sheriff or agency responsible for investigating maltreatment. The table at the right contains phone numbers. (Updated 8/2007)

If the appropriate social service agency is unavailable at the time an immediate oral report is to be made, make the oral report to the appropriate law enforcement agency. A copy of the written report to the law enforcement agency must be sent to the appropriate social service agency.

If the immediate report has been made orally, by telephone or otherwise, make a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff or local social service agency. Phone numbers are listed in the table at the right.

The Minnesota Department of Education (MDE) is responsible for investigating allegations of child maltreatment in schools. If the suspected maltreatment occurs in a school, the reporter should also submit a report to the MDE. Make the report to

MDE within 24 hours of alleged occurrence or as soon as possible. The phone and fax numbers are listed in the table below. (Updated 8/2007)

<b><u>PHONE NUMBERS FOR MANDATED REPORTING</u></b>	
<b><u>SOCIAL SERVICE AGENCIES</u></b>	
<i>Benton County</i>	<i>320-968-5087</i>
<i>Sherburne County</i>	<i>800-241-2600</i>
<i>Stearns County</i>	<i>320-656-6000</i>
<i>Wright County</i>	<i>763-682-7400</i>
<b><u>LAW ENFORCEMENT AGENCIES</u></b>	
<i>St. Cloud Police</i>	<i>320-251-1200</i>
<i>St. Joseph Police</i>	<i>320-363-8250</i>
<i>Waite Park Police</i>	<i>320-251-3281</i>
<i>Benton County Sheriff</i>	<i>320-968-7201</i>
<i>Sherburne County Sheriff</i>	<i>763-241-2500</i>
<i>Stearns County Sheriff</i>	<i>320-251-4240</i>
<i>Wright County Sheriff</i>	<i>763-682-1162</i>
<b><u>MDE MALTREATMENT PROGRAM</u></b>	
<i>24 Hour Hotline</i>	
<i>Telephone Reports</i>	<i>651-582-8546</i>
<i>Fax -</i>	<i>651-634-2277</i>
<i>See Board Policy 414, Mandated Reporting of Child Neglect or Physical or Sexual Abuse for additional information</i>	
<i>Updated 8/2007</i>	

## **FOCUS on Educational Records #1- March, 2003**

This is the first in a series of three FOCUS newsletters that will deal with questions about educational records and data privacy.

- Q.** Are the personal notes on students that I keep in my desk drawer, treated the same as other student records? If I am the only person that sees this information, would I have to share this information with parents or other parties who have signed a release of information?
- A.** By definition, “records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year” are not “educational records.”<sup>4</sup> As such, “desk drawer” notes do not become part of a student’s file. If, however, the “desk drawer” notes are maintained beyond the end of the school year, they lose their status as “desk drawer” notes and become “educational records” which must be provided to a parent upon request. Therefore, you will need to decide at the end of each year if your “desk drawer” notes should be destroyed or if they should be added to a student’s files.
- Q.** If I have information about a student in an email, is it considered to be educational data?
- A.** Email that is either printed or stored (even if stored as “trash”) is “educational data” which must be provided to a parent upon request. “Educational data” means all data relating to a student that is “collected, created, received, maintained” by a school district “regardless of its physical form, storage media or conditions of use.”<sup>5</sup> Email is not the equivalent of a telephone call or face-to-face conversation. Instead, it is similar to a memorandum or other written communication. Accordingly, you should always assume that people other than the intended recipient will see their emails and should never write an email that you would not want others to read.
- Q.** Another school district has requested the information on one of my former special education students. The student’s file contains health and medical reports from other agencies. Do I include the reports from other agencies with our district records when I send the information to the new district?
- A.** Even if they are from other agencies or districts, health and medical reports are generally considered to be part of the student’s educational record. So yes, the reports from other agencies should be included in the information that is sent to the other district. The exception would be confidential records and documents which are stamped "Not to be released to a 3rd party without consent". Reports pertaining to child abuse or neglect are confidential. These reports should not be sent to the new district.

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<sup>4</sup>Minn. Stat. § 13.32, Subd. 1(a).

<sup>5</sup>Minn. Stat. § 13.02, Subd. 7; 13.32.

## **FOCUS on Educational Records #2 - April, 2003** *(Updated 8/2005)*

This is the second in a series of FOCUS newsletters that will deal with questions about educational records and data privacy.

**Q.** What form is used to release or obtain information about students?

**A.** You may use the form in Student Plans called Consent To Release Private Data or the district form called Collection And/Or Release of Personal Information (District Form 16). To access this form from the district website:

1. Click on “Staff Net” on the top of the District Home Page.
2. Click on “Information”. Select “Forms and Info”
3. Scroll down the list of forms and select the form or directions needed. *(Updated 8/2007)*

**Q:** Is it necessary to get a “release of information” signed by parents when dealing with non-public schools?

**A:** You should obtain a release of information from the parent when you begin to process a special education referral from a parent of a child attending a non-public school. The same would be true if we had discontinued services for a student but we were contacting the non-public school to see how the child was doing (e.g., the one year follow-up). We obtain a release in these situations because it could be argued that the child is not enrolled, and is not seeking to enroll, in our building/school.

It is not necessary to have permission to share the IEPs/ERs, progress notes, and to have discussions with the nonpublic teachers, or for them to place these records in the child’s file, since we are mandated to include them in the special education process and there is obvious implied consent since the parent is included in the process from the start. In a sense, the child has “enrolled” in our program once they have been determined to be eligible and in need of special education (since it’s the public school’s responsibility to provide these services).

**Q.** Are there some instances where the district can disclose data on students without the written consent of the parent?

**A.** Yes. Some of the parties to whom the district can disclose information from the student’s education records without the written consent of the parent of the student or the eligible student<sup>6</sup> include:

1. Other school officials, including teachers, within the school district whom the school district determines have a legitimate educational interest in such records;
2. Officials of other schools or school districts in which the student seeks or intends to enroll.

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<sup>6</sup> Eligible student means a student who has reached 18 years of age or is attending an institution of postsecondary education

3. Military recruiting officers (names, addresses, and home telephone numbers of secondary students).

For a complete description of situations where the district can disclose data without prior consent see the section called, "Prior Consent for Disclosure Not Required", in the Administrative Procedure 515A for Protection and Privacy of Student Records. To access these administrative procedures from the District Website:

1. Click on "School Board" under "About Us" on the top of the District Home Page.
2. Click on "Policies".
3. Click on "Section 500 - Students".
4. Scroll down and click "Administrative Procedure 515A - Protection and Privacy of Student Records". You can review the entire document by scrolling through it. You can also print the complete document or selected pages.

*(Updated 8/2004)*

### **FOCUS on Educational Records #3 - April, 2003** *(Updated 8/2005)*

This is the third in a series of FOCUS newsletters that will deal with educational records and data privacy.

- Q.** Who is responsible for transferring a student's special education file when they move to another school within the district?
- A.** Generally, the most recent IEP manager should transfer the file to the new IEP manager at the school where the student will be attending. The exception would be files for 6<sup>th</sup> and 8<sup>th</sup> students that will be transferred to a junior or senior high at the end of the school year. In this case the IEP manager would submit the files to the building secretary or other designated staff. The Student Services Office does not transfer files to the new school. *(Updated 8/2005 - see May, 2005 Focus for details)*
- Q.** Why didn't you return the student file I sent to the Student Services Office last spring?
- A.** The original file was not returned to you because your file was combined with the central file. When files are combined, all duplicate due process forms and teacher working documents (e.g., note, charts, etc.) completed before the most recent school year are destroyed. If you need information from files that you send us, we generally send copies of the most recent due process forms. If you think that the student may return to service, you may want to keep the file.
- Q.** What needs to be done with a student's file when the student moves and enrolls in a school outside of our district?
- A.** State law requires school districts to make "reasonable efforts" to determine the school district into which the student is enrolling. The school district must transfer a student's records (including information about disciplinary actions involving the student's possession

or use of a dangerous weapon) to the new school district within ten business days of a request.<sup>7</sup>

If you are able to determine which school the child is enrolling in, work with the building secretary to ensure that the IEP and the most recent ER is sent along with the cum file. Send the special education file to Teri Dingmann at the DAO.

If you are unable to determine the child's new school, you may send the special education file to the Student Services Office at the District Administrative Office. Please bear in mind that the original file you send to the Student Services Office can not be returned to you.

**Q.** When can I send student's special education files to the Student Services Office at the District Administrative Office?

**A.** You may send files for students who have exited from special education because they graduated, dropped out, met their goals, or no longer need special education service(s). You may also send files for students that were evaluated more than two years ago and did not qualify for special education. Send files to Teri Dingmann at the District Administrative Office. *(Updated 8/2005)*

#### **FOCUS on Obtaining Medical Information - November, 2003** *(Updated 8/2004)*

A federal law called the Health Insurance Portability and Accountability Act of 1996 (HIPAA), resulted in health care providers adding several new requirements to their releases of information (e.g., instructions on how to revoke the release of information). These additional requirements have made it very difficult for schools to obtain medical information from clinics, physicians, and other health care providers. Because health care providers will not honor releases of information unless they contain these new requirements (which vary among providers), you will need to use a release of information from the individual health care provider to obtain the medical information.

Pat Seavert, a staff member from the Benton-Stearns Special Education Cooperative, has graciously shared copies of releases that she obtained from local health care providers. The providers that we have releases from as of 8/2004 are:

Albany Area Hospital & Medical Center  
Centracare Clinic  
Centracare Clinic - Heartland  
Centracare Health Plaza  
Children's Hospitals and Clinics  
Fairview-University Medical Center  
Foley Medical Center  
Gillette Children's

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<sup>7</sup> Minn. Stat. § 120A.22, Subd. 7.

Health Partners - Central Minnesota Clinics  
Neurology Clinic of St. Cloud  
Northwest Eye Clinic, PA  
Psychotherapeutic Resources  
Richmond Medical Clinic  
Shriner's Hospitals for Children  
St. Cloud Ear Nose & Throat - Head & Neck Clinic  
St. Cloud Hospital  
St. Cloud Medical Group, P.A.  
SPOT Rehabilitation  
(Updated 8/2004)

Please contact Teri Dingmann at Extension 1209, if you would like copies of these releases.

If you obtain releases from other health care providers, please make a copy of the blank form and send it to Teri Dingmann at the District Administrative Office so that we can make it available to other staff. We will send periodic emails to let you know about other releases that we add to our file.

### **FOCUS on Compliance Reviews and PLAAFP - October, 2003P**

This FOCUS is the first of four newsletters that will review the findings of three compliance reviews which were conducted last year and will use a question and answer format to provide due process information which can help correct some of these problems.

The Minnesota Department of Education's file checklist was used to conduct a compliance review of 96 files, which were a representative sample of current special education students - birth to 21. The compliance review identified seven areas in which 20% or more of the files had citations. These areas of noncompliance were Present Level of Academic Achievement and Functional Performance (PLAAFP),

Goals and Objectives, Least Restrictive Environment (LRE), Transfer of Rights, Parental Consent, and Required Content of IFSP, IFSP Timelines.

Another file checklist from the Minnesota Department of Education was used to conduct a longitudinal review of thirteen files, one for each disability area, to determine if the records were internally consistent and if students were receiving benefit from special education services over time. Internal consistency is a comparison of evaluation reports (the initial or prior evaluation and the most current evaluation), and the documentation of growth indicated on three IEPs over time. The longitudinal review revealed that the majority of files contained indicators of internal consistency and conferred benefit. However, it also identified problems in the areas of PLAAFP and Goals and Objectives.

The third review, the IEP/IFSP Evaluation, involved evaluating one IEP/IFSP for every IEP/IFSP manager in the district using pertinent sections from the Department of Education's file checklist. The review of 194 IEPs/IFSPs identified problems in the areas of PLAAFP, Goals and Objectives, and Least Restrictive Environment statements.

The remainder of this FOCUS will address the area of PLAAFP. The next three issues will cover the areas of Goals and Objectives, Least Restrictive Environment, and Parental Consent.

Questions: What characterizes an acceptable PLAAFP statement? What problems were found in the file reviews?

Answers: The PLAAFP must:

- Be based on current information
- Be from a variety of sources
- Describe how the disability affects involvement/progress in the general curriculum or for preschool children, participation in appropriate activities.

Files that were cited had PLAAFP statements that:

- Were verbatim from the previous annual IEP(s)
- Provided information from only one source (i.e., only information from a transition survey)
- Provided no explanation or a very limited explanation of how the disability affects involvement or progress in the general curriculum.

The following paragraphs provide an example of a well written PLAAFP.

**Reading:**

A direct-teaching approach to reading has proven successful for Jane as she thrives on repetition and participation. She is successful when expectations are clearly spelled out and assignments are familiar in form. The Reading Mastery curriculum and Horizons Reading curriculum appeals to this style, and is what Jane is currently working in. Jane is able to read the first 75/100 sight words, and 30 of the second hundred. Peers in third grade are expected to read all of the first 300 by the end of third grade. When blending words in isolation, Jane is able to blend CVC words with 100% accuracy, CVCe words with 10% accuracy (a new skill), CVVC words with 30% accuracy, CCVC words with 40% accuracy, and CVCC words with 40% accuracy. When presented with unfamiliar passages at a 2.0 grade level, Jane reads 30 words per minute with 73% accuracy, and 100% accuracy on comprehension.

Jane's disability affects her involvement and progress in the general classroom due to her level of academic ability. She may need content materials read to her in order to be able to complete classroom expectations. She may need to have directions clarified and

repeated. Jane needs to improve her reading skills in order to be more successful in the classroom.

### **FOCUS on Compliance Reviews - Goals and Objectives - October, 2003** *(Updated 8/2004)*

This FOCUS is the second of four newsletters which review the findings of compliance reviews conducted last year and provide due process information which can help correct these problems. This FOCUS will address the area of Goals and Objectives.

Questions: What are the criteria for acceptable Goals and Objectives? What problems were found in the file reviews?

Answers: Measurable goals:

1. Include content that can be completed within 12 months
2. Relate to identified need (from evaluation report)
3. Contain the skill/behavior to be changed
4. Contain the direction of change
5. Contain an annual ending level of performance

Objectives:

1. Relate to the goal
2. Contain the skill/behavior to be performed
3. Contain the conditions for evaluation of the objectives
4. Contain the evaluation procedures under which the behavior is to occur and be evaluated
5. More than one objective for each goal

The files that were cited:

1. Had goals that did not include a measurable/specific expected annual level of performance
2. Did not have goals that related to needs identified in the evaluation report
3. Did not have goals or objectives for the area of service
4. Did not include conditions for evaluation for objectives
5. Only included one objective for a goal or the two objectives were the same
6. Had goals and objectives that were verbatim across consecutive annual IEPs.

We encourage you to use the Student Plans Goals and Objective bank. *(Updated 8/2004)*

## **FOCUS on Compliance Reviews and Least Restrictive Environment - November, 2003**

This FOCUS is the third of four newsletters which review the findings from compliance reviews conducted last year and provide due process information which can help correct these problems. This FOCUS will address the area of Least Restrictive Environment statements.

Questions: What is an acceptable LRE statement? What problems were found in the file reviews?

Answers: The LRE statement is an explanation of the extent, if any, to which the child will not participate with learners without disabilities in the general education classes, extracurricular and nonacademic activities. An acceptable LRE statement should communicate to the parent what the child is missing when they are pulled out of the regular education classroom. For preschool children, the LRE statement should describe how the disability affects the child's participation in appropriate activities.

The files that were cited did not include an LRE statement or did not clearly explain the extent of nonparticipation in general education.

Some examples of acceptable LRE statements are:

- Julie is unable to participate full time with students without disabilities in the regular classroom because of her Specific Learning Disability in reading, writing, and math. Instead of the following general education classes, Social Studies, Language Arts, Science, Julie will participate in small group special education classes for reading, writing, and math.

Julie is able to participate in extra-curricular and non-academic activities without restrictions with peers without disabilities.

- John participates in his regular education classroom in all classes and activities with the exception of reading, written language, and math, for which he receives services in the resource room. John needs adaptations, modifications, and assistance with social studies and science lessons and activities.

John is able to participate in extra-curricular and non-academic activities without restrictions with peers without disabilities.

## **FOCUS on Compliance Reviews and Parental Consent - December, 2003** *(Updated 8/2007)*

This FOCUS is the fourth newsletter which reviews the findings from last year's compliance reviews and provides due process information which can help correct these problems. This FOCUS will address the area of Parental Consent.

Questions: What are the criteria for parental consent? What problems were found in the file reviews?

Answers: Written consent must be obtained prior to proceeding with:

- initial formal evaluation
- initial placement of child in special education program
- initial provision of special education services.

For an initial evaluation, the evaluation may begin when the signed Notice of Educational Evaluation/Reevaluation has been received. Record the date received at the bottom of the form and in the Follow up section for the Notice of Educational Evaluation/Reevaluation form in Student Plans. *(Updated 8/2005)*

You do not have to obtain written parent consent on the Notice of Educational Evaluation/Reevaluation for a reevaluation if you have documentation that you have taken reasonable measures to obtain consent for the reevaluation and the parent has not responded. District policy has been to document at least two attempts. If you have documented that you have taken **reasonable measures** to obtain parental consent for the reevaluation, you may proceed with the reevaluation after the expiration of the 14 calendar day parental response period. Procedures which can be used to document that you took reasonable measures to obtain parent consent include:

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence sent to parents and any responses received
- Detailed records of visits made to the parent's home or place of employment and the results of those visits

For initial IEP/IIP/IFSPs we suggest that the effective date be 14 days from when you send the plan to the parent. If you receive parent permission before the effective date, do not change the plan and service dates. This is recommended because we believe that the parent is giving permission for the IEP as it is written and because we want to eliminate the extra work involved in changing dates and sending the revised pages to the parents and the DAO. You should begin providing services on the effective date - do not provide services before the effective date. *(Updated 8/2007)*

Should the parent insist that services start prior to the proposed effective date, you will need to do a new IEP (with a new effective date, end date, and service dates) along with a new Prior Written Notice. *(Updated 8/2007)*

If you receive parent permission after the effective date, please change the plan effective date, plan end date, service start dates and service end dates. Send an updated copy to the parent and Julie Gillen at the DAO. As noted above, begin providing services on the effective date. *(Updated 8/2007)*

For an annual IEP/IIP, you can implement an annual IEP/IIP 14 calendar days after the parent is sent that IEP (the ), unless the parent objects to the proposed IEP/IIP. When writing the IEP/IIP you will need to make your best guess as to when you will send the IEP/IIP to the parent to determine the effective date. Remember the **effective date of an annual IEP/IIP** is 14 calendar days from the date **you send** the IEP/IIP. This is true even if that date falls after the last day of school (i.e, if you have a staffing at the end of May, the effective date would be in June) or during a break. *(Updated 8/2005)*

The files that were cited:

- Had parent signatures on the Prior Written Notice prior to receiving an IEP.
- Did not receive initial written signature from the parent prior to initial provision of services (the start date listed on IEP). In other words, the date that the district received permission on the Prior Written Notice for an initial IEP was after the start date listed on the IEP. We recommend that you change the start date on the IEP to be consistent with the date that the district receives permission for the initial provision of services.
- Service started prior to parent signature or the 14 day wait period.

### **FOCUS on Reimbursable Paraprofessional Activities - February, 2004** *(Updated 8/2007)*

The following information is provided to inform you of the legal requirements regarding paraprofessionals in the areas of reimbursement.

#### **Reimbursable Paraprofessional Activities**

If a paraprofessional is paid through special education funds, their time must be spent engaged in direct interaction with one or more pupils with a disability for instructional activities, physical or behavior management, supporting other due process activities, or other purposes under the direction of a regular education or special education teacher or related services provider. A paraprofessional paid through special education funds cannot be assigned to a student without an IEP. *(Updated 8/2007)*

Paraprofessional time spent in general education activities cannot be reimbursed through special education funds (e.g., lunch room duty, study halls, recess, etc.). If a paraprofessional is assigned to general education activities, their salary would need to be prorated to allow for other duties.

### **FOCUS on IEP Dates - April, 2004** *(Updated 8/2007)*

A number of questions have come up about the dates used in the new Student Plans system when referring to IEPs. Hopefully these examples will clear up some of the confusion.

**Q:** I have noticed that the new Student Plans system uses the “effective date” of the IEP as the IEP date. I have always thought that an annual IEP was due one year from the previous meeting date. What is the correct IEP date and when is the next IEP due?

**A:** The meeting date only indicates the day the IEP/IIP/IFSP was planned. The “effective date” is the actual day the IEP goes into effect and the services listed on the IEP actually begin. For initial IEP/IIP/IFSPs we suggest that the effective date be 14 days from when you send the plan to the parent. If you receive parent permission before the effective date, do not change the plan and service dates. This is recommended because we believe that the parent is giving permission for the IEP as it is written and because we want to eliminate the extra work involved in changing dates and sending the revised pages to the parents and the DAO. You should begin providing services on the effective date - do not provide services before the effective date. *(Updated 8/2007)*

Should the parent insist that services start prior to the proposed effective date, you will need to do a new IEP (with a new effective date, end date, and service dates) along with a new Prior Written Notice. *(Updated 8/2007)*

If you receive parent permission after the effective date, please change the plan effective date, plan end date, service start dates and service end dates. Send an updated copy to the parent and Julie Gillen at the DAO. As noted above, begin providing services on the effective date. *(Updated 8/2007)*

For an annual IEP/IIP, you can implement an annual IEP/IIP 14 calendar days after the parent is sent that IEP (the effective date), unless the parent objects to the proposed IEP/IIP. When writing the IEP/IIP you will need to make your best guess as to when you will send the IEP/IIP to the parent to determine the effective date. Remember the **effective date of an annual IEP/IIP is 14** calendar days from the date **you send** the IEP/IIP. This is true even if that date falls after the last day of school (i.e., if you have a staffing at the end of May, the effective date would be in June) or during a break. *(Updated 8/2007)*

The tickler list for due dates for IEP/IIPs in the Student Plans system is based on the effective date not the meeting date. You must make sure to schedule your IEP meeting far enough in advance to give yourself the time you need to complete the meeting, write the IEP, send the IEP to the parents and allow them 14 calendar days to review it. This means that if

you need a week to write the IEP, you should schedule the IEP meeting 3 weeks prior to the end date of the previous IEP. The effective date for the current IEP becomes the date you receive the Prior Written Notice with parent signature or 14 days from when the Notice and IEP were sent to the parents for review.

**Q:** How long do I have to write an IEP? I thought the District allowed us 10 school days or 14 calendar days from the IEP meeting date to complete the IEP.

**A:** The IEP should be written immediately or as soon as possible after the meeting. The 14 calendar day timeline is for the parent(s) to have time to review the IEP and agree or disagree with the District's proposed services. If you are unable to complete the IEP the same day as the meeting, then you need to schedule the meeting far enough in advance to allow yourself the time you need to write the IEP and still give the parent(s) their 14 calendar days to review it. You may need to schedule the meeting three to four weeks before the IEP expires (end date of services) in order to make sure that the new IEP goes into effect before the current one expires so that there is no lapse in service.

**Q:** What if the Prior Written Notice form is returned with signature after the 14 calendar day parental review period has passed; do we change the effective date of the IEP to match the date this form was received?

**A:** No, the effective date of the IEP remains the date when the 14 calendar day parental review period has been given and consent was assumed.

**Q:** Do I still need to send a copy of the Prior Written Notice form to the DAO?

**A:** Yes, if you receive signed consent, make a copy and send it to the DAO. If you do not receive signed consent you can call/e-mail Julie Gillen at the DAO and she will print out the form.

### **FOCUS on the District Website - May, 2004** *(Updated 8/2008)*

This FOCUS will highlight some features on the District Website that you may find useful. The Student Services/Special Education page on the District Website contains numerous forms, resource materials, and links to other sites. Some of the special education forms can be filled out and printed using Acrobat Reader or filled out and saved to your directory using Word. Other forms need to be printed using Acrobat Reader and filled out by hand.

To access the Student Services/Special Education page from the District Home Page (<http://isd742.org>):

1. Click on "Department" on the top of the District Home Page.
2. Scroll down the list of departments and click on "Student Services/Special Education".

On the Student Services/Special Education web page:

1. Click on “Resources” on the left hand side of the Student Services/Special Education web page to access Staff Resources:
  - a. Addressing Challenging Student Behavior Part 1 – Functional Behavior Assessment June 2005
  - b. Addressing Challenging Student Behavior Part 1 – Designing Positive Behavior Support Plans - June 2005
  - c. AIMSweb Link
  - d. Annual Public Notices
  - e. Autism Spectrum Disorder Resources
  - f. Avisos Publicos Anuales
  - g. BluePrints for Success
  - h. Disability Information
  - i. Due Process Forms - Translated
  - j. Evaluation Report Boilerplates
  - k. Examples of Assistive Technology
  - l. Examples of Supplemental Aids and Program Modifications
  - m. Extended School Year Calendar
  - n. Federal Child Count Settings - Public and Non-public
  - o. Legal Resources for Students
  - p. The link to the Minnesota Department of Education Special Education web page.
  - q. The link to the Minnesota Department of Education Eligibility Criteria Checklists.
  - r. The link to Minnesota State Recommended Due Process forms. This web page also contains a link to translated due process forms.
  - s. The link to the Notice of Procedural Safeguards - Parental Rights for Special Education
  - t. Notice of Procedural Safeguards
  - u. Paraprofessional Handbook
  - v. Policies and Procedures Regarding Children Who Attend Private Schools or Are Home Schooled
  - w. Progress Monitoring Tutorial
  - x. Referral Procedures for Non-Public School Sites
  - y. School Discipline and Children with Disabilities
  - z. Standards and Essence Statements from the MTAS Test Specifications Manual
  - aa. Student Plans Goal bank
  - bb. Student Services Director's Letter to Parents of Children Attending Private Schools
  - cc. Total Special Education System
  - dd. Volunteer Parent Contacts (Special Education Advisory Council Members)

2. Click on “Forms” on the left hand side of the Student Services/ Special Education web page to access either Department Forms or Data Collection Forms:

Department Forms

- a. AIMSWeb PM Intervention Form
- b. ALC Special Education Referral Form
- c. ASD Targeting Transition Survey Form 1 (5-1)
- d. ASD Targeting Transition Survey Form 1 (SN)
- e. Assistive Technology Request
- f. Building Transition Student Worksheet
- g. Computer Request Form
- h. Documentation of Oral Interpretation
- i. Follow-up Review
- j. (FBA) Functional Behavior Assessment
- k. FBA Parent Interview
- l. FBA Student Form
- m. FBA Teacher Interview
- n. HF Targeting Transition Progress Report
- o. HF Targeting Transition Survey Form 1 (5-1)
- p. HF Targeting Transition Survey Form 1 (SN)
- q. IEP Team Decision to Place A Student on Pass Individual Status
- r. IFSP Cover Page
- s. IIIP Action Plan
- t. IIIP Family Considerations and Concerns
- u. Information Processing Teacher Interview
- v. Inservice/Conference Evaluation
- w. MD Targeting Transition Progress Report
- x. MD Targeting Transition Survey Form 1 (5-1)
- y. MD Targeting Transition Survey Form 1 (SN)
- z. Paraprofessional Training Time Request
- aa. Parent Excusal of Team Member
- bb. Parent Refused Interpreter Services
- cc. Performance Review Report - Para Employees
- dd. Petty Cash Reimbursement Form
- ee. Plan for Student Assistance
- ff. Post Secondary Planning Checklist
- gg. Review of Records for Behavioral History
- hh. SD Targeting Transition Progress Report
- ii. SD Targeting Transition Survey Form 1 (5-1)
- jj. SD Targeting Transition Survey Form 1 (SN)
- kk. SE-48 Sensory-Health Referral
- ll. SE-51 Status Change
- mm. SE-73 Notice of Transfer of Parent Rights
- nn. SE-111 Referral for Achievement Testing

- oo. Social Developmental History
- pp. SPED Request for Shuttle Service Between Schools
- qq. SPED Transportation Request Form
- rr. Staffing Agenda
- ss. Staffing Agenda (short form)
- tt. Student Abilities and Assistance Needs Matrix
- uu. Student Profile for General Education Teachers
- vv. Summary of Performance
- ww. Third Party Billing (TPB) Consent Form
- xx. TPB Presentation Cover Letter
- yy. TPB Q & A
- zz. Transition IEP Meeting Plan
- aaa. Travel Policy

Data Collection Forms

- a. ABC Analysis
- b. ABC Analysis Data Sheet
- c. Assessment/Evaluation Tracking Form
- d. Base Ten Chart
- e. Behavior Chart - Transitions
- f. Behavior Observation Form - Special Education
- g. Behavior Observation Form - Deaf/Hard of Hearing
- h. Behavior Update - Apollo ABE Self-Contained Programs
- i. Daily Data Collection #3
- j. Daily Percentage Chart
- k. Data Collection Sheet #1
- l. Data Collection Sheet #2
- m. Data Collection Sheet #4
- n. Data Collection Sheet #5
- o. Duration Data Sheet
- p. Event Frequency Data Sheet
- q. Functional Assessment
- r. Interval Data Sheet
- s. PCS Daily Score Sheet Summary
- t. Scatterplot Data Sheet
- u. Self-Evaluation Sheet
- v. Time Sampling Record Sheet

You can also access special education forms through StaffNET. To access the link:

1. Click on "StaffNET" on the top of the District Home Page.
2. Scroll down the list under "Information" and click on "Forms and Info".
3. Click on "Special Education Forms" on the left hand side.

3. Click on “Student Plans” to access Student Plans. There is also a link in StaffNET under “Tools”.
4. Click on “FOCUS Newsletter” to access current and past newsletters.
5. To access information the Service Directory for Student Services/Special Education:
  - a. Click on “StaffNET” on the top of the District Home Page.
  - b. Click on “SS/SPED Service Directory”.
6. The forms and directions for Prereferral Interventions and Waiver of Prereferral Interventions are also available on the District Website. To access these forms:
  - a. Click on “StaffNET” on the top of the District Home Page.
  - b. Scroll down the list under “Information”. Click on “Forms and Info”.
  - c. Scroll down the list of forms and select the form or directions needed.
7. To access statewide testing information from the District Home Page (<http://isd742.org>):
  - a. Click on “Department” on the top of the District Home Page.
  - b. Scroll down the list of departments and click on “Curriculum”.
  - c. Click on Assessment/Testing on the left hand side of the screen to access the Procedures Manual for Statewide Assessments and the Testing Schedule.

#### **FOCUS on Transfer Procedures - October 2004** *(Updated 8/2008)*

The district must respond immediately if a student who has previously been identified as having a disability and has a current IEP moves into our district from another district. In addition, we must begin providing services as soon as possible when students transfer to different sites/settings within the district when the transfer (change in placement) was not initiated by the IEP team (e.g. student is hospitalized). This Focus newsletter will present the procedures to be used to initiate services and develop an appropriate IEP with these types of transfer students. These procedures do not apply to students whose transfer to a different site/setting to access another program (e.g., Youth Learning Center) is initiated *by the IEP team* - in these cases a new annual IEP should be written.

**Procedures for In-State Transfers and Site/Setting Transfers:** For students with an active IEP transferring from one Minnesota school district to District 742 or transferring to a different site or setting for reasons other than an IEP team decision—

1. If not in possession of a current IEP and Evaluation Report, contact the previous school by phone within one business day to confirm the student has a disability. If the pupil has a current IEP in the home school/previous setting, the home school/previous setting should give you an oral review of the IEP goals and objectives and services provided.

Request that the student’s IEP and Evaluation Report if applicable, be faxed to you. If necessary, remind school staff that they do not need a signed consent to release records to a

school where the child is enrolled and that districts are required to forward records to the school where the student is enrolled upon request.

2. As soon as possible, invite the parents and other team members to attend the IEP meeting. Complete the Notice of Team Meeting.

Inform the parent that:

- a. the existing IEP from the other district/setting will be used to begin providing services to the student as soon as possible and
- b. a short term Transfer IEP may be developed to address the changes in setting, services, goals and/or case management resulting from the student transferring to the current setting.

If the parent objects to initiating services based upon the existing IEP from the other district/setting, document parent response in the Student Conference log and contact your special education supervisor immediately. A parent or guardian can revoke consent for special education at any time. A district can not use conciliation, mediation, or due process hearing in an attempt to continue special education services when a parent revokes consent. *(Revised 8/2009).*

3. Review any existing information available from the previous district. NOTE: Information from the previous district which will be used by the team to develop a current plan should not be more than one (1) year old unless the team agrees that it still represents the pupil's current level of performance.

In some cases the team will determine that additional evaluation(s) must be completed. The evaluation would be considered a reevaluation so it wouldn't require written parent permission [may proceed with the evaluation 14 calendar days after the parent receives the Notice of an Educational Evaluation/Reevaluation if you can demonstrate and document that you have taken reasonable measures to obtain parent consent and the parent has failed to respond.] NOTE: **DO NOT delay the IEP meeting or provision of services** while you are completing the evaluation(s).

4. Convene the IEP meeting at the **earliest** (e.g., 1-2 days) mutually agreed upon time. The meeting may be conducted by phone.

The team can either:

- a. develop a short-term Transfer IEP (not to exceed 30 school days) based upon the previous district's/setting's evaluation and IEP. The minimum requirement would be to complete a Transfer IEP and attach the rest of the IEP from the previous district/site or setting. If the majority of the existing IEP will be accepted, bring the Transfer IEP page(s) that represent changes in setting, services, goals, and case management to the meeting. The effective date for the Transfer IEP can be immediate - it should be as close to the enrollment date as possible. If the parent(s) agrees with the Transfer IEP,

the parent(s) may sign the Prior Written Notice at the meeting. If changes are needed, send the IEP and the Prior Written Notice to the parent after the changes are made. Or;

- b. develop an annual IEP based upon information from the previous district and/or new data documented in the Evaluation Report. All information/data must continue to support the need for special education services. Complete Prior Written Notice. Or;
- c. place the pupil in regular education with no special education services. Complete the Notice of Educational Evaluation/Reevaluation, an Evaluation Report to document that the child is not a child with a disability, the Status Change form, and the Prior Written Notice to document the termination of these services.

Transfers from other districts, with active IEPs, are **not** considered an **initial** placement in this district.

**Procedures for Interstate Transfers:** For students with an active IEP transferring from another state into District 742 –

1. If not in possession of a current IEP and Evaluation Report, contact the previous school by phone within one business day to confirm the student has a disability. If the pupil has a current IEP in the previous setting, ask the home school/previous site or setting to give you an oral review of the IEP goals and objectives and services provided.

Request that the student's IEP and Evaluation Report if applicable, be faxed to you. Remind school staff that they do not need a signed consent to release records to a school where the child is enrolled and that districts are required to forward records to the school where the student is enrolled upon request.

2. As soon as possible, invite the parents and other team members to attend the meeting. Complete the Notice of Team Meeting. Inform the parent that:
  - a. the existing IEP from the other district/setting will be used to begin providing services to the student as soon as possible, and
  - b. a short term Transfer IEP may be developed to address the changes in setting, services, goals and/or case management resulting from the student transferring to the current setting.

If the parent objects to initiating services based upon the existing IEP from the other district/setting, document parent response in the Student Conference logs and contact your special education supervisor immediately. A parent or guardian can revoke consent for special education at any time. A district can not use conciliation, mediation, or due process hearing in an attempt to continue special education services when a parent revokes consent. *(Revised 8/2009)*

3. Review any existing information available from the previous district. NOTE: Information from the previous district/site or setting should not be more than one (1) year old unless the team agrees that it still represents the pupil's current level of performance.

In some cases the team will determine that additional evaluation(s) must be completed. In this case, the evaluation is considered an **initial** evaluation, which means that parents must provide written consent before the district may proceed. NOTE: **DO NOT delay the IEP meeting or provision of services** while you are completing the evaluation(s).

4. Convene the IEP meeting at the **earliest** (e.g., 1-2 days) mutually agreed upon time. The meeting may be conducted by phone.

The team can either:

- a. develop a short-term Transfer IEP (not to exceed 30 school days) based upon the previous evaluation and IEP. The minimum requirement would be to complete a Transfer IEP and attach the rest of the IEP from the previous district/site or setting. If the majority of the existing IEP will be accepted, bring the Transfer IEP page(s) that represent changes in setting, services, goals, and/or case management to the meeting. The effective date for the Transfer IEP can be immediate - *it should be as close to the enrollment date as possible*. If the parent(s) agrees with the Transfer IEP, the parent(s) can sign the Prior Written Notice at the meeting. If changes are needed, send the IEP and the Prior Written Notice to the parent after the changes are made. Or;
- b. develop an annual IEP based upon information from the previous district and/or new data documented in the Evaluation Report. All information/data must continue to support the need for special education services. Complete the Prior Written Notice. Or;
- c. place the pupil in regular education with no special education services. Complete the Notice of Educational Evaluation/Reevaluation, an Evaluation Report to document that the child is not a child with a disability, the Status Change form, and the Prior Written Notice to document the termination of these services.

#### **Student Plans Procedures for Completing Transfer IEP Plans:**

1. Select the student. This will take you to the SPED Information screen.
2. Select "Create a New Education Plan". This will take you to the IEP Information Screen.
3. Enter Effective Date and the Plan End Date (generally no more than 30 school days. Select "Transfer" for Plan Category. Submitting will take you to the IEP Information Screen.
4. Complete required fields. To complete the two additional fields required only for Transfer IEPs:
  - a. Record the effective date of the IEP that we are accepting from the student's previous setting/school in "Original effective date of transfer plan".
  - b. Record the name of the previous case manager and the district or school in "Transfer plan originally written by".
5. Complete other IEP sections as needed. At a minimum you will need to complete IEP Information, Services, and IEP Disabilities.
6. Check completeness for the IEP and finalize.

7. Create the Prior Written Notice. (Updated 8/2008)

**FOCUS on Transportation - December, 2004** (Updated 8/2007)

In response to concerns brought forth by two national transportation organizations that school districts have not included transportation providers in the development and implementation of IEPs, the U.S. Department of Education's Office of Special Education Programs (OSEP) has asked districts to remind special educators what IDEA has to say about transportation. This FOCUS will present information about transportation as a "related service" and the need for transportation providers to be included in the development and implementation of IEPs when students need special transportation services.

If a student with a disability has special transportation needs, those needs must be addressed as a related service in the IEP. Related services are any supportive services that are needed to help students with disabilities benefit from special education. IDEA defines transportation as:

- ◆ Travel to and from school, and between schools;
- ◆ Travel in and around school buildings; and
- ◆ Specialized equipment (such as adapted buses, lifts, and ramps), if required to provide special transportation for a student with a disability.

To decide whether the student actually has special transportation needs, the IEP team must:

- ◆ Consider how the student's disability affects the student's need for transportation;
- ◆ Assess whether the student's disability prevents him/her from using the same transportation as nondisabled students, or from getting to school in the same manner as nondisabled students; and
- ◆ Whether the student's needs could be met through accommodations such as lifts and other equipment adaptations on regular buses.

In situations where a need for special transportation service has been identified, OSEP recommends that transportation providers participate in the development of an IEP in one of two ways:

- ◆ By attending the IEP meeting; or
- ◆ By giving a written recommendation concerning the nature, frequency, and amount of service to be provided to the student.

IDEA requires that the related services providers (this includes transportation providers) be informed of:

- ◆ His/her specific responsibilities related to implementing the student's IEP
- ◆ The specific accommodations, modifications, and supports called for in the IEP.

In summary, if you believe a student needs special transportation you should:

- ◆ Invite a representative from transportation to the IEP team meeting. Scott Dahlin is the transportation supervisor for the district. If he or another transportation representative can not attend the meeting, obtain their input on transportation arrangements prior to the IEP meeting. Document the inclusion of transportation staff in the development of the IEP by

- including them on the Notice of Team Meeting and summarizing transportation discussions and/or recommendations in Student Conference Logs or the Adaptations section of the IEP.
- ◆ Document the student's need for special transportation; the nature, frequency, and amount of transportation service the student will receive; and the responsibilities of the transportation provider in Supplemental Aids portion of the Adaptations section of the IEP. Include all accommodations, modifications, and supports needed by the student in the Adaptations section.
  - ◆ Obtain your special education supervisor's signature on either the SPED Request for Shuttle Service between Schools or the SPED Transportation Request Form. Send the appropriate signed form and a copy of the IEP Adaptations page to Donna Maslonowski at the transportation department so that she can share this with the student's transportation provider. These forms are available on the Forms pages of the Student Services/Special Education Website. *(Updated 8/2007)*

### **FOCUS on Transferring Special Education Records - May, 2005** *(Updated 5/2006)*

To ensure that special education records for 6<sup>th</sup> and 8<sup>th</sup> grade students are safely transferred to the appropriate junior or senior high school, the following procedures should be followed:

1. IEP Manager prints or requests from Student Services office an alphabetical list of 6th/8th grade students on IEPs whose records are to be transferred.
2. IEP manager requests other special education files from providers who maintain separate files. Providers are encouraged to send documents that will end up in the IEP managers file at the time the record is created.
3. Service providers and the IEP manager organize their files, removing duplicate forms and working documents more than a year old (charts, observation notes, etc.). Separate and label active and inactive files.

Files should contain due process forms (e.g., IEP, Evaluation Reports, progress reports, etc.), correspondence, contact logs, test protocols, parent notes/permissions, releases of information, and the current year's working documents (charts, observation notes, etc.).

Please note that personal files that you maintain on students that have not been shared with anyone become part of the educational record **unless you destroy them at the end of the school year**. If notes are maintained beyond the end of the school year, they lose their status as "desk drawer" notes and become "educational records" which must be provided to a parent upon request.

4. Providers turn in their special education files to the IEP manager.
5. IEP manager makes sure there is a copy of the most recent IEP and Evaluation Report in the Cumulative folder.

6. IEP Manager turns in *active* special education files and alphabetical list to building secretary (or other designated staff) by designated day.
7. IEP manager sends inactive files to Teri Dingmann at the DAO. Files are considered to be inactive if the student has moved, exited from all special education services, did not qualify for services, graduated or dropped out of school.<sup>8</sup>
8. Secretary (or other designated staff) boxes special education files alphabetically.
9. Secretary (or other designated staff) sends boxed special education files and a copy of the alphabetical list to receiving school, with date sent recorded on alphabetical list of names (Files may be sent interschool mail or through a hauling order).
10. Secretary (or other designated staff) from sending school calls secretary at receiving school to inform that files have been sent.
11. Original alphabetical list of sent files is signed by sender with date sent recorded and given to special education supervisor.
12. Receiving school maintains boxes/files in secure location.

**FOCUS on Changes in Evaluation Procedures, Planning, & Services for Other Health Disabilities - September 2006** (*Updated 8/2007*)

Since there is no specific licensure for Other Health Disabilities (OHD), it has been decided that we will not have a Physical Health Disabilities Specialist for OHD. This FOCUS will:

1. Describe the procedures to be used by special education staff for evaluating, planning and providing services to students with Other Health Disabilities.
2. Provide information about staff responsibilities for working with students with Physical Impairments.

**Evaluation Responsibilities for OHD**

To assist in obtaining medical information, **case managers should:**

1. Notify nurses of upcoming meetings in a timely fashion.
2. **Obtain completed releases of information (for specific doctors and clinics) from parents at the time of the Evaluation Planning meeting if at all possible.** (Remember that Teri Dingmann, Ext 1209 has release forms from some clinics.)

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<sup>8</sup> If a student has exited from all special education services, you may want to keep that student's file until the recheck has been completed. We will not be able to return the file that was sent to us because building files are combined with the central Special Education file for that student and duplicate forms are shredded. Once combined, there is only one file and we are unable to return the entire file.

3. Make sure the nurse is on the Evaluation Plan so that they can access Student Plans to complete their portion of the evaluation.

Nurses will:

1. Obtain the medical documentation and
2. Complete the review of the pupil's health history, including the verification of a medical diagnosis of a health condition

Evaluation planning teams will need to determine who (special education teacher, social worker, nurse, etc.) will gather OHD information relative to the impact of the health condition on the student's ability to complete educational task within routine timelines as documented by three or more of the following:

1. Excessive absenteeism linked to the health condition (e.g., hospitalizations, medical treatments),
2. Specialized health care procedures needed during the school day,
3. Medications that affect comprehension, memory, attention, or fatigue,
4. Limited physical strength resulting in decreased capacity to perform school activities,
5. Limited endurance resulting in decreased stamina and decreased ability to maintain performance,
6. Heightened or diminished alertness resulting in impaired abilities (e.g., maintain focus, sustain effort)
7. Impaired ability to manage and organize materials and complete classroom assignments with routine timelines, or,
8. Impaired ability to follow directions or initiate and complete a task.

Evaluation planning teams will also need to determine who will obtain the following supporting data (special education teacher, social worker, psychologist etc.):

1. Individually administered nationally normed standardized evaluation of the pupil's academic performance,
2. Systematic interviews with classroom teachers and the pupil's parent or guardian,
3. One or more documented systematic observations in the classroom or other learning environment. MDE criteria states that this should be conducted by a licensed special education teacher. We believe that the observation can also be conducted by social workers.

The psychologist will summarize the eligibility criteria. The following guidelines are drawn from the OHD Manual and should be used when determining eligibility using the OHD criteria:

1. A medical diagnosis alone is insufficient to determine eligibility for special education services.
2. Students with medical diagnoses should not automatically be considered eligible for OHD. Teams are advised to focus on the student's presenting problems in conjunction with a comprehensive evaluation to determine the eligibility.
3. Students with some medical diagnoses may demonstrate educational needs that may lead teams to consider eligibility in categories (Developmental Cognitive Disorder - cognitive,

Physical Health Disability - physical, Emotional Behavior Disorder - behavioral, Learning Disability – severe academic, Speech & Language - communications).

4. Teams must establish and document a link between the chronic or acute health condition and its adverse effect on a pupil's educational performance in order for a student to be determined eligible in OHD.
5. When determining eligibility for children birth through age six who have been diagnosed with a syndrome or condition known to hinder normal development, please see Minnesota Rule 3525.1350, Early Childhood Special Education.

### **IEP Planning & Service Delivery for OHD**

The IEP Team will need to determine who has the knowledge to best address the identified needs of the student. Considerations in determining staff assignment include deciding which team member may be best suited to:

1. Monitor health impairment
2. Monitor side effects of medication
3. Generate ideas and strategies for developing organizational skills
4. Developing instructional/learning strategies
5. Observing and monitoring student's:
  - a. Ability to complete assignments
  - b. Organization of materials/assignments
  - c. Independence within the classroom and school environment
  - d. Ability to independently access/use items such as pencil sharpener, drinking fountain, locker, etc.
6. Determine curriculum/assignment adaptations
7. Inservice staff on student needs, accommodations, etc.
8. Provide vocational planning/assessment
9. Locate resources/materials. Please note that the MDE website contains resource materials for OHD, including the OHD Manual. The link is:  
[http://education.state.mn.us/html/intro\\_speced\\_other\\_disab.htm](http://education.state.mn.us/html/intro_speced_other_disab.htm)

### **Staff Responsible for Working with Students with Physical Impairments**

Jen Lecy is the Physical Impairment Specialist. This position focuses **only** on evaluations, consultations, planning meetings and services for students who are being evaluated for or have Physical Impairments. Jen must be on the student's IEP if Physical Impairment is their primary disability. The Physical Impairment Specialist will not be involved in evaluations, consultations, planning meetings and services for student who are being evaluated for or have an Other Health Disability (unless they also have or are being evaluated for a physical impairment).

### **FOCUS on Third Party Billing - April 2006 (Updated 8/2008)**

Since 2001, school districts have been **required** to seek payment from public and private insurance programs for IEP/IIP services such as speech, occupational therapy, physical therapy, nursing, special transportation, mental health services, personal care assistant services, and standardized assessments completed as part of an evaluation. These services are referred to as

health related services. The legislature expected that third party billing would bring extra money into school districts.

Since beginning third party billing in 2001/2002, we have generated \$ **1,502,498**. in revenues. Annual revenues have increased from \$11,993 in 2001/ 2002 to \$414,031 in 2008/2009. The number of students billed for has increased from 45 in 2001/2002 to 269 in 2008/2009.

Minnesota statutes require that these revenues be used to benefit students with special needs and to pay administrative and training costs associated with obtaining third party revenues. Third party revenues have been used to cover the non-reimbursed portion of special education staff salaries and to pay for training on third party billing. **The use of third party revenues for salaries prevented layoffs of special education staff during several rounds of budget cuts.** Continued employment of special education staff has benefited students in many ways.

Although we have increased revenues each year, we need to increase these revenues dramatically. Continued budgetary concerns make it imperative that we increase third party revenues. Smaller neighboring districts received approximately \$600,000 in third party revenues last year. We believe that our third party revenues should meet or exceed that level. We need your help to reach this goal.

**All teams are expected to inform parents/guardians that schools must seek reimbursement from public and private insurance programs for these health related services.** This means that one person on the IEP/IIP team must present information about third party billing at least once per year for special education students who receive billable services. In the case of the ECSE assessment team, one member of the assessment team should present third party billing information during the evaluation period. As noted above, billable services include speech, occupational therapy, physical therapy, nursing, special transportation, mental health services, and personal care assistant services. We are asking that staff make it a priority to present information about third party billing in a positive manner. If the student is eligible, staff will need to document service provision for billable services.

Special thanks to speech language pathologists, occupational therapists, physical therapists, teachers, mental health facilitators, psychologists, nurses, the ECSE assessment team, bus drivers, and the transportation staff who have been involved with third party presentations and billing for services. Your efforts are greatly appreciated.

If you have questions about third party billing please contact Donniel Robinson, our third party billing coordinator, at Extension 1214.

#### **FOCUS on Individual Service Plans - August 2006** *(Updated 8/2009)*

The purpose of this FOCUS is to inform you that our district will begin using Individual Services Plans (ISP) in Student Plans for children with disabilities enrolled by their parents in private schools instead of Individual Education Plans.

Our District uses Individual Services Plans because Individuals with Disabilities Education Improvement Act (IDEIA) states that the services that private school children with disabilities receive should be based on an Individual Service Plan that is developed in light of funding and joint service delivery decisions. Serving private school children with disabilities on Individual Education Program plans suggests that they are entitled to the same amount of services and due process rights as public school students with disabilities. Private school children with disabilities do not have an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. Although decisions about the services that will be provided to private school children with disabilities are based on a determination of proportionate expenditures of IDEIA Part B funds and consultation with representatives of private schools regarding service delivery, the District makes the final decisions with respect to the services to be provided to eligible private school children. Private school students with disabilities on Individual Service Plans can not file due process complaints about issues related to Individual Service Plans, prior notice content, procedural safeguards notice or parental consent. Additionally mediation, due process hearings, and civil actions are not applicable for private school students with disabilities on Individual Service Plans.

Although it is an option to provide services on site to private school students with disabilities, the District will provide transportation from the child's school to a site other than the private school and back to the private school. It is the District's right to make this decision.

If you have questions, please contact your special education supervisor.

### **FOCUS On Discontinuing Services - October 2006 (Updated 8/2009)**

This newsletter will present the procedures to be used when all special education services are discontinued because a student does not demonstrate a need for services, does not have a disability, moves, graduates, is turning three and is not eligible for Part B services, is turning seven and does not qualify for another disability. The final section of the newsletter reviews the process used when a parent revokes consent for continued services. If a parent wants to discontinue services, contact your supervisor immediately.

#### **Procedures when a student discontinues all special education services because they do not have a disability or do not demonstrate a need for special education service at this time.**

1. Complete the Notice of Educational Evaluation/Reevaluation.
  - Student Plans requires you to select evaluation areas for the Notice. It is suggested that you select procedures that involve a review of existing information.
2. Write a brief Evaluation Report.
  - Since services can be reinstated within 12 months of exiting the program if the child demonstrates a need for special education, it is suggested that you consider checking “does not demonstrate need for special education services at this time” rather than “does not have a disability” on the eligibility page of the evaluation report. This will avoid future monitoring questions (e.g., why is the child receiving services when the most

- recent evaluation report states that they don't have a disability).
3. Complete the Prior Written Notice form and send it to the parent/ guardian.
    - a. Select the student in Student Plans.
    - b. Click on "Create New Prior Written Notice."
    - c. Enter the date of the Notice (if different from the default) and submit.
    - d. Leave the field "Notice is for which plan?" blank. Indicate whether the notice is being given to the parent or mailed. The field "Deadline Date" defaults to 14 calendar days from the date of the Notice - change if needed.
    - e. Provide explanations for the five items on either the Proposal or Refusal screens.
    - f. Check completeness and put the notice in pending.
    - g. After 14 days, change the status of the Notice to "Inactive".
  4. Change the status of the student's plan and notices to inactive.
    - a. Select the student in Student Plans.
    - b. Select the "Plan End Date" in the table/matrix for the Education Plan.
    - c. Change the "Plan End Date" to the day the plan ends.
    - d. Click on the box next to the statement "Make Plan, Spec Ed Meeting Notices, Prior Written Notices, and Prior Written Notice."
    - e. This will remove the student from your tickler list and from service provider's lists under My Services.
  5. Change the student's status in Student Plans to inactive.
    - a. Select the student in Student Plans.
    - b. Select Student Information in the purple menu.
    - c. Select "Inactive" from the drop down menu for Status.
    - d. This will remove the student from your active caseload.
  6. Complete the Status Change form (SE-51 on the Student Services webpage under Forms) and send a copy to the DAO.

If a child is only being terminated from one area of service (e.g., Speech) and still remains eligible for another service (e.g., SLD), then an evaluation and report are not required. Develop a new IEP, documenting the student progress that lead to the decision to discontinue services in the PLAAFP.

**Procedures when a student moves out of our district.**

1. Complete the Status Change form (SE-51 on the Student Services webpage) and send a copy to the DAO.
2. Change the status of the student's plan and notices to inactive.
  - a. Select the student in Student Plans.
  - b. Select the "Plan End Date" in the table/matrix for the Education Plan.
  - c. Change the "Plan End Date" to the day the plan ends.
  - d. Click on the box next to the statement "Make Plan, Spec Ed Meeting Notices, Prior Written Notices, and Notice of Proposed Action/Denial Inactive."
  - e. This will remove the student from your tickler list and from service provider's lists under My Services.
3. Change the student's status in Student Plans to inactive.
  - a. Select the student in Student Plans.

- b. Select Student Information in the purple menu.
- c. Select “Inactive” from the drop down menu for Status.
- d. This will remove the student from your active caseload.

**Procedures when a student graduates.**

1. Complete the Notice of a Team Meeting.
  - a. A meeting must be held to inform parents that the student has met IEP goals and completed the necessary coursework/standards for graduation, and of the team’s proposal to discontinue special education services due to graduation.
2. Complete the Progress Report.
  - a. Document the IEP team’s determination that IEP goals have been achieved.
3. Complete the Prior Written Notice and send it to the parent/guardian. Parents must be notified of the district’s intent to proceed with graduation and discontinue special education services unless the parent objects in writing within 14 calendar days.
  - a. Select the student in Student Plans.
  - b. Click on “Create New Prior Written Notice.”
  - c. Enter the date of the Notice (if different from the default) and submit.
  - d. Leave the field “Notice is for which plan?” blank. Indicate whether the notice is being given to the parent or mailed. The field “Deadline Date” defaults to 14 calendar days from the date of the Notice - change if needed.
  - e. Provide explanations for the five items on either the Proposal or Refusal screens.
  - f. Check completeness and put the notice in pending.
  - g. After 14 days, change the status of the Notice to "Inactive".
4. Change the status of the student’s plan and notices to inactive.
  - a. Select the student in Student Plans.
  - b. Select the "Plan End Date" in the table/matrix for the Education Plan.
  - c. Change the “Plan End Date” to the day the plan ends.
  - d. Click on the box next to the statement "Make Plan, Spec Ed Meeting Notices, Prior Written Notices, and Notice of Proposed Action/Denial Inactive."
  - e. This will remove the student from your tickler list and from service provider’s lists under My Services.
5. Change the student’s status in Student Plans to inactive.
  - a. Select the student in Student Plans.
  - b. Select Student Information in the purple menu.
  - c. Select “inactive” from the drop down menu for Status.
  - d. This will remove the student from your active caseload.
6. Complete the Summary of Performance. (This form is available on the Student Services webpage.)
7. Complete the Status Change Form (SE-51 on the Student Services webpage). .
8. Complete the Graduation Status Report upon receipt.
  - a. Indicate whether the student graduated or if they will continue next year. This data is used by MDE and the federal Office of Special Education Programs to evaluate Minnesota’s graduation rates.

**Procedures when a child is turning three, they did not qualify for Part B services in the previous evaluation, and there is no identified educational need.**

1. Complete the Notice of a Team Meeting.
  - a. A meeting must be held to inform parents that the student has met IFSP/IIP goals and completed the necessary coursework/standards for graduation, and of the team's proposal to discontinue special education services due to graduation.
2. Complete the Progress Report.
  - a. Document the team's determination that IFSP/IIP goals have been achieved.
3. Complete the Prior Written Notice and send it to the parent/guardian. Parents must be notified of the district's intent to discontinue special education services unless the parent objects in writing within 14 calendar days.
  - a. Select the student in Student Plans.
  - b. Click on, "Create New Proposal Notice.
  - c. Enter the date of the Notice (if different from the default) and submit.
  - d. Leave the field "Notice is for which plan?" blank. Enter the meeting date and the reason for the Notice (*The school district recommended that all current special education and related services be discontinued....* ). The field "Deadline Date" defaults to 14 calendar days from the date of the Notice - change if needed.
  - e. Provide an explanation for the five items relevant to the district's proposal or refusal.
  - f. Check completeness and finalize the Notice.
4. Change the status of the student's plan and notices to inactive.
  - a. Select the student in Student Plans.
  - b. Select the "Plan End Date" in the table/matrix for the Education Plan.
  - c. Change the "Plan End Date" to the day the plan ends.
  - d. Click on the box next to the statement "Make Plan, Spec Ed Meeting Notices, Prior Written Notices, and Prior Written Notice."
  - e. This will remove the student from your tickler list and from service provider's lists under My Services.
5. Change the student's status in Student Plans to inactive.
  - a. Select the student in Student Plans.
  - b. Select Student Information in the purple menu.
  - c. Select "inactive" from the drop down menu for Status. This will remove the student from your active caseload.
6. Complete the Status Change Form (SE-51 on the Student Services webpage under Forms).

**Procedures when a child with the disability of DD is turning seven and they did not qualify for another disability in the previous evaluation.**

1. Complete the Notice of a Team Meeting.
  - a. A meeting must be held to inform parents that the student has met IEP goals and of the team's proposal to discontinue special education services due to not meeting eligibility criteria for another disability area.
2. Complete the Progress Report.
  - a. Document progress on IEP goals and the student's current level of performance.
3. Complete the Prior Written Notice and send it to the parent/guardian. Parents must be notified of the district's intent to discontinue special education services unless the parent

- objects in writing within 14 calendar days.
- a. Select the student in Student Plans.
  - b. Click on “Create New Prior Written Notice.”
  - c. Enter the date of the Notice (if different from the default) and submit.
  - d. Leave the field “Notice is for which plan?” blank. Indicate whether the notice is being given to the parent or mailed. The field “Deadline Date” defaults to 14 calendar days from the date of the Notice - change if needed.
  - e. Provide explanations for the five items on either the Proposal or Refusal screens.
  - f. Check completeness and put the notice in pending. Send the notice to the parent.
  - g. After 14 days, change the status of the Notice to "Inactive".
4. Change the status of the student’s plan and notices to inactive.
    - a. Select the student in Student Plans.
    - b. Select the "Plan End Date" in the table/matrix for the Education Plan.
    - c. Change the “Plan End Date” to the day the plan ends.
    - d. Click on the box next to the statement "Make Plan, Spec Ed Meeting Notices, Prior Written Notices, and Notice of Proposed Action/Denial Inactive." This will remove the student from your tickler list and from service provider’s lists under My Services.
  5. Change the student’s status in Student Plans to inactive.
    - a. Select the student in Student Plans.
    - b. Select Student Information in the purple menu.
    - c. Select “inactive” from the drop down menu for Status. This will remove the student from your active caseload.
  6. Complete the Status Change Form (SE-51 on the Student Services webpage).

**Procedures when a parent revokes consent for special education**

A parent or guardian can now revoke consent for special education at any time. A district can not use conciliation, mediation, or due process hearing in an attempt to continue special education services when a parent revokes consent.

The parent's revocation of consent must be in writing. The District must provide parents with a Prior Written Notice before services are discontinued, tell parents about the implications that discontinuing special education services has for their child, and inform parents that services will continue until the District receives a written revocation of services. Parents will be asked to sign a Parent/Guardian Revocation of Permission to Provide Services form when they state they no longer want their child to receive special education services. Supervisors have access to this new form.

The procedures when a parent revokes consent for special education are as follows:

1. Inform your special education supervisor of the situation.
2. The supervisor will contact the parent to:
  - a. Explain that the District needs a written request to revoke consent for services.
  - b. Review the implications of discontinuing special education services.
  - c. Inform the parent that they will receive a Prior Written Consent form and a Parent/Guardian Revocation of Permission to Provide Services form.
  - d. Tell the parent they need to return the Parent/Guardian Revocation of Permission to Provide Services form revoke consent.

3. Work with the supervisor to complete the Prior Written Notice and send it to the parent. The Prior Written Notice will restate the implications of discontinuing services.
4. Send the Prior Written Notice and the Parent/Guardian Revocation of Permission to Provide Services form to the Parent
5. Continue providing services until the signed Parent/Guardian Revocation of Permission to Provide Services is received.
6. Discontinue service when the signed Parent/Guardian Revocation of Permission to Provide Services is received
7. Change the status of the student's plan and notices to inactive.
8. Change the student's status in Student Plans to inactive.
9. Complete the Status Change Form (SE-51) on the Student Services web page) and send to the DAO.
10. The special education supervisor and the special education director will send a Stand Ready to Serve Letter to the parent.

### **FOCUS on Initial IEP Service Dates – February 2007**

The purpose of this FOCUS is to clarify procedures for initial IEPs. In previous training sessions on Student Plans, you were told to always change the plan effective date, plan end date, and service dates to be consistent with the date parent permission was received. We are now asking you to use a different procedure when you receive parent permission before the effective date.

If you receive parent permission before the effective date, do not change the plan and service dates. We are asking you to make this change because we believe that the parent is giving permission for the IEP as it is written and because we want to eliminate the extra work involved in changing dates and sending the revised pages to the parents and the DAO. Begin providing services on the effective date - do not provide services before the effective date. Remember the plan effective date is 14 calendar days from when you send the IEP to the parent.

Should the parent insist that services start prior to the proposed effective date, you will need to do a new IEP (with a new effective date, end date, and service dates) along with a new Prior Written Notice.

If you receive parent permission after the effective date, please change the plan effective date, plan end date, service start dates and service end dates. Send an updated copy to the parent and Julie Gillen at the DAO. As noted above, begin providing services on the effective date.

### **FOCUS on Changes in Programs for Students with Challenging Behaviors - March, 2007**

This newsletter outlines procedures to be used when the district or another agency is considering or initiates a change in program due to behavior issues.

As a general guideline, the IEP Team takes the lead role in programming for students with challenging behaviors. If the challenging behaviors have escalated to the point where the IEP Team is considering significant changes in programming, the IEP Team should:

1. Inform the Special Education Supervisor about the changes/increases in challenging behavior.

2. Review the existing Functional Behavior Assessment (FBA) and the Behavior Intervention Plan (BIP).
3. Update the FBA or BIP as needed. Notify the parent, hold an IEP meeting, and/or obtain parent consent as required.
4. Review and/or update IEP services and setting as needed. For example, more behavior services provided in the special education setting may result in changing the Federal Setting from II to III. If it is not already being provided, consider the need for adding the support of the Mental Health Facilitator (MHF) as a related service.
5. Implement and document the results of the updated services, interventions, and placement.
6. Invite the Special Education Supervisor if the IEP Team is meeting to consider an out-of building placement or placement in the Behavior Education Program and/or additional resources are anticipated to implement the new placement.
7. If the school is initiating a referral to BEP, City Life 742, Riverwoods, or Day Treatment, the mental health facilitator serves as the communication liaison. If the referral is being made to ALC or YLC the school social worker serves as the communication liaison.

The following outlines the procedures that should be used when the district or another agency initiates a change of placement to another program such as Riverwoods Schools/SCCH - Residential, Riverwoods Schools/SCCH - Day School, Day Treatment, YLC and the Behavior Education Program. Please note that procedures will differ based on whether the IEP is appropriate. An example of the process to use when students return to their previous school setting is also included.

- A) District initiated change of placement to Riverwoods, City Life 742, Day Treatment, YLC or the Behavior Education Program.
  - 1) IEP is inappropriate for the new placement/program. The current IEP manager should:
    - a) Set up IEP meeting and issue proper notice(s), making sure to include the projected IEP manager at the new site.
    - b) Copy IEP and change effective/end/meeting dates, setting, site, and update PLAAFP. This would generally be an annual IEP.
    - c) Collaborate with new IEP manager on services and goals.
    - d) Have the teacher at new school/program assigned as the new IEP manager.
  - 2) IEP is appropriate for the new placement/program. The current IEP manager should:
    - a) Set up IEP meeting and issue proper notice(s), making sure to include the projected IEP manager at the new site.
    - b) Copy IEP and change effective/meeting dates, setting, site, and update the PLAAFP. The IEP type would usually be a significant change.
    - c) Collaborate with new IEP manager on services and goals.
    - d) Have the teacher at new school/program assigned as the new IEP manager.
  
- B) Agency initiated change of placement to Riverwoods, City Life 742, Day Treatment, or YLC.
  - 1) IEP is inappropriate for the new placement/program. The current IEP manager should:
    - a) Set up IEP meeting and issue proper notice(s), making sure to include the projected IEP manager at the new site.
    - b) Copy the IEP, changing effective/meeting dates, setting, and site, and do a progress report which explains why the change in placement occurred and update PLAAFPs.

- The IEP type would usually be a significant change.
- c) Collaborate with new IEP manager on services and goals.
  - d) Have the teacher at new school/program assigned as the new IEP manager.
- 2) IEP is appropriate for the new placement/program. Current IEP manager should:
- a) Set up IEP meeting and issue proper notice(s), making sure to include the projected IEP manager at the new site.
  - b) Copy IEP and change effective/meeting dates, setting, and site, and do a progress report which explains the change in placement. The IEP type would usually be a significant change.
  - c) Collaborate with new IEP manager on services and goals.
  - d) Have the teacher at new school/program assigned as the new IEP manager.
- 3) Use the same process when student transitions back to their previous school setting. For example if the IEP is appropriate the Riverwoods/Day Treatment/YLC/Behavior Education IEP manager should:
- a) Set up IEP meeting and issue proper notice(s), making sure to include the projected IEP manager at the new site.
  - b) Copy the IEP and change effective/meeting dates, setting, and site. This should usually be an annual IEP.
  - c) Collaborate with new IEP manager on services and goals. The services should reflect the plan for a gradual transition back to the previous school setting.
  - d) If all education services will be vended in the student's previous school setting, the building staff member is assigned as the new IEP manager.

### **FOCUS on Homebound Tutoring – September, 2007**

This newsletter defines homebound status and outlines the procedures and responsibilities of the IEP team as well as the IEP case manager when a student is placed on homebound status.

The District is obligated to provide regular and special education services for K-12 students who are absent from, or predicted to be absent from, the normal school site, for 15 consecutive days or who are home due to accident, illness, or health impairment. The District must also make alternative education services available to students whose placement is changed to their home because of an IEP team decision, BPU decision, or disciplinary reasons. Education services must be provided beginning on the sixth consecutive day of a suspension and from the first day of expulsion or exclusion. The District frequently meets its obligation to provide education services by providing a homebound tutor.

A homebound student is defined as “a student being placed in the home setting because the IEP team has determined it is in the best interest of the child to receive their education in the home or a student who is unable to attend at the school site due to the illness, injury or placement.” In the case of illness or injury, the district must have written verification from a physician that the student is unable to attend. A minimum average of one hour of one-to-one homebound instruction must be provided for each membership day claimed through homebound instruction.

The IEP manager retains the responsibility of ensuring that the student's instruction and services are appropriate when they are homebound, as well as facilitating successful reintegration back into the school setting. The following outlines the procedures to be used when students will be or are placed on homebound status due to illness, injury, an IEP decision or discipline.

1. Inform the special education supervisor that the student will be or is on homebound status.
2. In cases where the homebound tutoring may need to be expedited, the IEP manager may want to have an expected form of the IEP drafted, as it may be necessary to obtain parent signature at the time of the IEP meeting.
3. The IEP team will need to prioritize the child's needs that can be addressed in the home setting, discuss staff and student expectations while the student is on homebound status, and recommend the most appropriate licensed teacher to provide homebound instruction. Licensure in the area of the child's disability is preferred.
4. Draft a Transfer IEP, or complete a Significant Change IEP. Transfer IEPs would be recommended if the placement is expected to be less than 30 school days and the majority of the existing IEP will be accepted. The effective date for the IEP can be immediate - *it should be as close as possible to the date that homebound services start.*
  - a. A minimum of one hour of direct special education service is required for special education students. Services that will not be provided in the home setting, such as OT/PT/DAPE may be taken off of the IEP while others may be changed to indirect. An example of this would be if the IEP team decided that the student who was previously receiving direct SLD Writing and direct SP/L Language services would be receiving SLD writing service (direct) and SP/L services in the area of Language were going to be integrated into the lesson plans (indirect) during the time he was homebound.
  - b. Homebound status should be reflected in the LRE and federal setting (Setting 8).
5. Conduct the IEP meeting. If it is necessary to expedite the process, bring the pending IEP and the completed Prior Written Notice to the meeting. If the parent(s) agrees with the IEP, the parent(s) may sign the Prior Written Notice at the meeting. If changes are needed, send the IEP and the Prior Written Notice to the parent after the changes are made. Even in this case the effective date should be as close to the date homebound services start as possible.
6. Set up tutor services by working with the supervisor, building principal other building staff to complete the Homebound Tutor Request. This form is located on the District website in the StaffNET section under the Information Menu (Forms and Info). The District procedures for securing homebound tutors and the form are included in the final section of this document.
7. **The IEP manager continues to support the student and ensure appropriate instruction and service delivery by acting as a liaison between the homebound tutor and the school.**
  - a. Consult with the tutor in regard to IEP goals, instruction, and the provision of instructional materials.
  - b. Monitor progress to determine if the student is progressing at a level which

would be expected, if homework is being completed, and what adjustments, if any, are needed.

- c. Ensure that due process requirements are met (e.g., progress reports, timely evaluations, etc.).
8. Prior to the end of homebound services, convene the IEP team to develop a new IEP and a plan to facilitate a successful reentry into the educational setting.

District procedures to request a homebound tutor are as follows:

1. Complete the Homebound Tutor Request. The form is located on the District website in the StaffNET section under the Information Menu. The form is located in the Forms and Info section (<http://isd742.org/StaffNET/forms/>). Save the completed document in your home folder so that you can attach it to the email.
2. Submit the request to Nancy Gruber in the Student Services Department by attaching the completed form to an email. Nancy's email address is [Nancy.Grubert@isd742.org](mailto:Nancy.Grubert@isd742.org). Her phone number is 253-9333 Ext 1280 and her fax is 529-4345. She is the Coordinator for Homebound Tutoring and Title 1 Homeless Services
3. Nancy will arrange for a tutor for the student. When the arrangements have been finalized she will email the building principal, the building secretary, the person who completed the form, Karen Solarz and Julie Gillen.

## HOMEBOUND TUTOR REQUEST

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_  
School: \_\_\_\_\_ ID: \_\_\_\_\_  
Parent Name: \_\_\_\_\_ Grade: \_\_\_\_\_  
Parent Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
C/S/Z: \_\_\_\_\_

IEP Manager (if Special Ed): \_\_\_\_\_

- Reason for Homebound:  Medical (Doctor statement required)  
 IEP Team Decision  
 Placement due to Suspension, Expulsion, BPU decision, Interim Alternative Education Placement

Anticipated Start Date: \_\_\_\_\_ Anticipated End Date: \_\_\_\_\_  
General Education: Requested hours of tutoring: \_\_\_\_\_

Classes/areas that student will need tutoring in (ex: Geometry, AP English):

Special Education: Requested hours of tutoring, and anticipated IEP services:

Form Completed By: \_\_\_\_\_ Phone Ext: \_\_\_\_\_  
Contact Person for Questions: \_\_\_\_\_ Phone Ext: \_\_\_\_\_

**FOCUS on Changes in Part C and Part B Evaluation Criteria & Transition Requirements for Children Ages Birth – Six – November, 2007**

This FOCUS will outline recent changes in Minnesota Rules as well as district results that necessitate changes in our procedures and increased monitoring of evaluation and transition.

The eligibility criteria for birth through two has changed and it is likely that more children will be identified. The table below lists the criteria and the associated changes.

<b>New Criteria</b>	<b>Change</b>
Subp. 2. Criteria for birth through two years of age. The team shall determine that a child from birth through the age of two years is eligible for infant and toddler intervention services if:	Children are now eligible for infant and toddler services instead of early childhood special education. This terminology is consistent with Part C of IDEIA.
B. the child meets one of the criteria for developmental delay in subitem (1) or the criteria in subitem (2):	Children must meet either (1) or (2) instead of one from subitem 1 and subitem 2 and 3 of the old criteria.
(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	The criteria no longer specify certain syndromes or conditions. It focuses on conditions that may result in a developmental delay regardless of need or delay. See the listing of conditions at the end of this document or go to the website below: <sup>9</sup> <a href="http://www.health.state.mn.us/divs/fh/mcshn/ecipelig/index.htm">http://www.health.state.mn.us/divs/fh/mcshn/ecipelig/index.htm</a>
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.	The standard deviation requirement is now 1.5 SD below the mean for one or more areas rather than a composite score.

The revised rule specifies additional evaluation guidelines which include:

1. the requirements that the evaluation be based on informed clinical opinion and that it be multidisciplinary in nature, involving two or more disciplines or professions, and,
2. the evaluation must include a review of the child’s current records related to health status and medical history. As noted above it must also include an evaluation of the child’s levels of cognitive, physical, communication, social or emotional and adaptive functioning; an assessment of the unique needs of the child in terms of cognitive, physical, communication, social or emotional and adaptive functioning and at least one systematic observation in the child’s daily routine setting (if not possible – alternative setting must be justified).

<sup>9</sup> The document contains hyperlinks to resource information if you go to the website.

The criteria for children ages three through six also changed and will frequently require additional assessments.

New Criteria	Change
<p>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:</p> <p>A. the child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, sections 1400 et seq., as defined in Minnesota Rules; or</p>	<p>Children are now eligible for special education (Part B of IDEIA) instead of early childhood special education.</p>
<p>B. the child meets one of the criteria for developmental delay in sub item (1) and the criteria in sub item (2). 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.</p> <p>(1) The child:</p> <p>(a) has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay; or</p> <p>(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.</p>	<p>Children must meet either sub item (1) or (2) instead of one from sub item 1 and sub item 2 and 3 of the old criteria.</p> <p>The criteria no longer specify certain syndromes or conditions; rather it focuses on conditions with a high probability of resulting in a developmental delay. See the listing of conditions at the end of this document or go to the website below <a href="http://www.health.state.mn.us/divs/fh/mcshn/ecipelig/index.htm">http://www.health.state.mn.us/divs/fh/mcshn/ecipelig/index.htm</a></p> <p>The criteria requires the use a comprehensive instrument to establish a developmental delay in the areas cognitive development, physical development, social or emotional development; and adaptive development.</p>
<p>(2) The child's need for special education is supported by:</p> <p>(a) 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;</p> <p>(b) a developmental history; and</p> <p>(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.</p>	<p>An alternative setting may be used for the observation if it is justified in the report.</p> <p>Must complete another procedure in each area of delay on another day. Eliminated the use of parent report or developmental histories as the additional measures. Allows the use of curriculum based measures as additional measures. We will be using the Hawaii Early Intervention Learning Profile.</p>

The revised rule also contains additional transition requirements. The service coordinator must facilitate the transition from infant and toddler intervention before the child's third birthday. The IFSP must include steps to determine and document eligibility for special education under Part B of IDEIA. The transition conference must be held not less than 90 days and not more than nine months before the child turns three and is eligible for special education services under developmental delay or other categorical disability. If the child is not eligible for Part B special education,

the service coordinator must take reasonable steps to convene a conference to discuss appropriate services the child may receive after exiting infant and toddler intervention services (B-2).

The necessity to establish that children are eligible for special education under Part B as part of the transition process may at time require an additional evaluation. The following suggestions may help minimize the impact of this new requirement if the child is two or older when the initial evaluation is conducted:

1. Use two measures to establish a delay in cognitive development, physical development, social or emotional development; and adaptive development. The results from these assessments could be reviewed as part of the evaluation.
2. Complete a developmental history.

This approach would allow the team to complete “review of existing information” rather than re-administering assessments.

The Minnesota Department of Education has developed performance indicators in the areas of Part C child find activities, transition, and evaluation. As part of our Continuous Improvement and Monitoring Process we evaluate our performance compared to state results and targets and determine if we need to develop an action plan.

- Our 2005/2006 data indicated that .40% of the children birth to age one had IFSPs compared to .46% in the state and .99% nationally. The state target is .96% by 2010.
- Our district data also indicated that 1.10% of children birth to three had IFSPs compared to 1.56% in the state and 2.4% nationally. The state target is 2.55% by 2010.
- In terms of transition, our data indicated that we had documented a transition conference within the specified timeline for 28.6% of the children who were potentially eligible for Part B services compared to the state rate of 30.35%. The state has a target of 100%.
- Our district completed 67.8% of the evaluations within the 45 day timeline for B-2 children compared to the state rate of 83.4%. The state has a target of 100%.

Since our results are below state rates and we need to monitor the implementation of the new criteria the following activities will be undertaken:

1. Our evaluation plans will be requesting that parents give permission to conduct an evaluation for Part B and Part C.
2. Make sure the end date of the IFSP/IIIP is before the child’s third birthday, if the child is older than two when the plan is written and they did not qualify for both Part C and Part B under a categorical disability or meeting entrance criteria for developmental delay.<sup>10</sup>
3. A report containing the window dates for completing the transition staffings for children who will be turning three will be given to IEP managers quarterly. IEP managers will record the dates of transition staffing on the form and return them to the compliance assistant at the end of each quarter.

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<sup>10</sup> This is a reevaluation even though the student must meet entrance criteria for developmental delay or another categorical disability.

4. Make sure to clearly document the occurrence of the transition staffing and planned transition activities in the Action Plan section of the IFSP or in the text box at the bottom of the Additional Information (0- 3) screen of the IIP.
  - a. If the team determines that the activities necessary to support the child's transition to Part B services/programs will change the student's services or goals, complete a significant change IFSP/IIP to reflect these changes as well as the transition staffing date and activities.
  - b. If the team determines that no changes are needed in the student's services, goals, or setting to address transition, put IFSP/IIP in "Correct" status to record the transition staffing date and activities.
  - c. If the team determines that the child will not be eligible for the Part B programs/services, put the IFSP/IIP in "Correct" status to document the steps to support the child's transition to other appropriate community-based services. Since the child will be exiting the program, begin exit procedures (e.g., complete a progress report, etc.).
5. A review of all Birth-2 evaluations will be conducted to determine if timelines are being met and if the new criteria elements are being implemented. If timelines were not met due to family or child circumstances, the reason(s) must be clearly documented on Parent Contact Logs.
6. The year end assessment report will be reviewed to determine if the criteria change impacted the percent of children Birth-1 and Birth-2 who have an IFSP.

The results from the preceding activities will be included in our Continuous Improvement and Monitoring Report for next year as documentation of our efforts to improve district results.

## Categories of Conditions with a High Probability of Resulting in a Delay at School Age with Examples

- |  |   |
|--|---|
| 1) <a href="#">Chromosomal/Genetic</a>             | 4) <a href="#">Physical Conditions</a>            |
| 2) <a href="#">Neurodevelopmental</a>              | 5) <a href="#">Sensory Conditions</a>             |
| 3) <a href="#">Prenatal / Perinatal Conditions</a> | 6) <a href="#">Social or Emotional Conditions</a> |

The list of conditions provided on this web site is an inclusive list, but not an exhaustive list.

### 1. Chromosomal/Genetic

- A. Conditions or syndromes that are likely to result in intellectual disabilities such as
  - [Down syndrome](#),
  - Fragile X syndrome,
  - Angelman syndrome
- B. Conditions where life expectancy may be limited such as
  - Tay Sachs Disease,
  - [Trisomy 13 \(Patau Syndrome\)](#)
- C. Certain metabolic, endocrine and hemoglobinopathies generally identified by the newborn screening program
  - [Galactosemia](#),
  - [Sickle cell disease](#),
  - [Phenylketonuria \(PKU\)](#),
  - [Homocystinuria](#),
  - Methylmalonic academia (MMA) and
  - Long chain fatty acid oxidation disorders,
  - [Maple Syrup Urine Disease \(MSUD\)](#)

### 2. Neuro-developmental Disorders such as

- A. Cerebral palsy
- B. Neural tube defects such as
  - [Spina Bifida](#),
  - [Encephalocele](#)

### 3. Certain Prenatal / Perinatal Conditions

- A. Prenatal toxic exposures such as
  - [Fetal alcohol syndrome](#),
  - Maternal drug use (prenatal use confirmed by a physician or other health care provider)

- B. Prenatal infections such as cytomegalovirus (CMV),
- C. [Infants born at <1500 grams](#)
- D. Grades III and IV intracranial hemorrhage (PVH-IVH, stroke)

4. **Physical Conditions**

- A. Neuro-muscular disorders such as
  - Muscular dystrophies,
  - Spinal muscular atrophy,
  - Neonatal adrenoleukodystrophy
- B. Bronchopulmonary dysplasia (BPD)
- C. Toxic Exposures such as
  - Elevated blood lead levels
- D. Complex Health Conditions which are conditions impacting multiple organs or systems
  - [Sacral Agenesis](#)

5. **Sensory**

- A. [Hearing loss as recommended by the Minnesota Early Hearing Detection and Intervention team](#)
- B. Blind or visually impaired

6. **Social or Emotional Conditions**

- A. Axis I conditions from the Diagnostic Classifications 0-3 including:
  - Post-traumatic stress disorder (PTSD),
  - Deprivation/Maltreatment Disorder,
  - Disorders of Affect,
  - Prolonged Bereavement / Grief Disorder,
  - Anxiety Disorders of Infancy and Childhood,
  - Depression of Infancy and Early Childhood,
  - Mixed Disorder of Emotional Expressiveness,
  - Adjustment Disorders,
  - Regulation Disorders of Sensory Processing,
  - Sleep Behavior Disorder,
  - Feeding Behavior Disorders

## **FOCUS on Evaluation Timelines – January, 2008**

The purpose of this FOCUS is to review Evaluation Report timelines. A draft of the evaluation report must be completed for eligibility staffings. The final report should be sent to the parent the next working day after the eligibility staffing.<sup>11</sup> The only exceptions to this requirement would be when signatures are required due to qualifying under SLD or as an override - in this case the report should be sent home within one week of the staffing.

Each IEP/IIP manager is responsible for:

- Planning ahead to allow adequate time to complete reevaluations.
- Recording the receipt of parent permission or the expiration of the parent response period in the follow up section for the Notice of Educational Evaluation/Reevaluation Plan.
- Making an initial contact with evaluators if their section of the report is not completed around the 20<sup>th</sup> day for evaluations for students age 3-21 or the 30<sup>th</sup> day for students age Birth-2.

Each evaluator is responsible for:

- Checking “My Evaluations” in Student Plans to determine what assessments must be completed and when they are due.
- Completing their portion of the evaluation report on time and indicating that the status of the report is “Complete” in Student Plans. It is expected that reports would be completed 5 to 10 days before the eligibility staffing.
- Please notify the case manager if changes are made after the report has been placed in “complete” status, so that the correct information is appended to the evaluation report. (This would not be necessary if the information was entered directly into the Summary of Evaluations.)
- Ensuring that their section of the report is a professional and parent friendly document by carefully proofing the report and using spell check.
- Identifying educational needs of the child in the areas assessed.

As noted above, the IEP/IIP manager is responsible for making an initial contact with evaluators if their section of the report is not completed around the 20<sup>th</sup> day for evaluations for students age 3-21 or the 30<sup>th</sup> day for students age Birth-2. If the report is not submitted promptly after this contact or if the report contains spelling or grammatical errors, the IEP/IIP manager should report the concern to the Special Education Supervisor. The Special Education Supervisor would then follow-up with the staff person. If the situation continues to be unresolved, the Special Education Supervisor may confer with the building administrator and Director of Student Services, who will determine whether disciplinary or other action is warranted.

Please contact your special education supervisor or Susan O'Connor Meyer if you have questions.

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<sup>11</sup> Minnesota Rule 3525.2710 states that the evaluation report must be completed and delivered to the pupil's parents within the specified evaluation timeline (30 school day deadline for students age 3-21 or 45 calendar day deadline for children age Birth-2).

## **FOCUS on ESY – April, 2008**

Extended School Year (ESY) services should be provided to special education students who regress to such a degree on critical goals during breaks in education programming that they are not able to recoup/recover the lost skills in a reasonable amount of time. The Special Education Department **does not** offer summer school. We only provide Extended School Year to students who meet the eligibility criteria for ESY and whose parents agree to have them attend ESY. Targeted services and summer school are general education programs and have different criteria than ESY.

### **PROCEDURES FOR EXTENDED SCHOOL YEAR (ESY)**

#### **1. Gather and/or review data on critical goals.**

Eligibility for ESY should be based on data about critical goals that a student would suffer irreparable harm (regression) from an interruption in program and that their skill losses would be of such a degree and duration as to impede progress on goals which are critical to attaining an appropriate education and/or self sufficiency. It is not sufficient to assert that a student would benefit from ESY. ESY is not intended to increase skill levels - but rather to prevent significant regression.

The IEP team must decide the basis for determining whether a pupil is eligible for ESY services. This determination should be done as part of the annual IEP – do not wait until February or March to discuss it for the first time.

Information that can be used to determine eligibility includes prior observation of the pupil's regression and recoupment over the summer; observation of the pupil's tendency to regress over extended breaks during the school year; or experience with other pupils with similar instructional needs. Progress monitoring data can provide excellent documentation about the extent of academic regression as well as how long it takes to recoup losses. For example, the first Fall probe might establish that the child's current performance was consistent with their midyear performance the previous school year. The results of later probes could be used to establish how long it took the student to regain previously mastered skills.

#### **2. Use data to document eligibility for ESY in Student Plans.**

It is very important to include the data used to determine that the student qualifies for ESY, especially if they qualify under regression/recoupment. For example, if John qualified on the basis of regression/recoupment, the explanation might say, "John is working on the goal of following instructions 80% of the time. After the winter break, following instructions decreased to 40%. It took three weeks to return to 80% compliance."

Please note the following when completing the ESY Checklist in Student Plans:

- A. It is only necessary to document that the child is eligible based on one of the areas. It is not necessary to include information for all three areas - regression/recoupment, self sufficiency and unique need.
- B. Although it is always an IEP team decision, there will generally only be two or three critical ESY goals. It is not likely that more could be addressed in the limited number of ESY days.
- C. It is not necessary to copy all of the goals and objectives into the self sufficiency item (B2) – it is acceptable to refer to them (e.g., reading comprehension goal).

The following table presents sample explanations of why students qualify for ESY on the basis of regression/recoupment, self sufficiency, or unique needs. For example, when regression and

recoupment are the concern, complete A1 for students who are new to the district and A2 for students who have regression and recoupment issues students over the summer. The self sufficiency item (B) focuses on functional skills such as eating or counting money and establishing how critical the goals are to self sufficiency (B2) or how important it is that they be addressed in a timely fashion (B3). An example of a unique need (C) might be transitioning from preschool to kindergarten or an unusual health condition. The student's disability per se would not constitute a unique need (e.g. autism does not automatically necessitate ESY).

<b>Examples of Statements Establishing Eligibility for ESY</b>	
<b>A. Regression Criteria:</b> Did this student experience a significant regression of a skill or acquired knowledge specified in the IEP goal(s) that required more than the length of the break to recoup? Answer A1 or A2.	
<b>A1.</b> Use observations of pupil's tendency to regress over <b>extended breaks of instruction during the school year</b> . Indicate fall, winter or spring break. Use primarily if a student is new to the district or with an initial IEP with no previous progress notes.	<b>A1 Example:</b> S has a goal of increasing his reading fluency from 40 words correct per minute to 55 words correct per minute. S. has a tendency to regress over one week breaks from school in the areas of reading and math. His oral reading fluency rate decreased from an average of 44 words correct per minute to 38 words correct per minute. It generally takes three weeks for reading fluency to return to previous levels.
<b>A2.</b> Use prior observation of pupil's regression and recoupment <b>over the summer</b> . Use progress notes and reports from the previous year.	<b>A2 Example:</b> C's goal for his second grade year was to gain 5 Rigby benchmarks. C. almost reached his goal by the spring of 2006. When he came back in the fall, he had regressed to an H level. It took him 9 weeks to reach his previous levels. ESY is needed to help with C's regression in the area of reading.
<b>B. Self Sufficiency Criteria:</b> Will a break in special educational programming prevent the student from achieving/maintaining a reasonable degree of independence in <b>functional skills</b> identified on the IEP. Answer B2 or B3.	
<b>B2.</b> The goal is critical to overall disability-specific needs because of the <b>nature of the skill</b> addressed by annual goals, and the <b>pupil's age and level of development</b> . Identify the goal(s).	<b>B2 Example:</b> The student's goal in the area of communication requires continued instruction and opportunities to practice and utilize the augmentative communication system.
	<b>B2 Example:</b> T. is bilingual, speaking both Spanish and English. She uses signs and gestures as well to communicate her needs. Her disability of velocardiofacial syndrome makes it more difficult for T to learn and maintain skills in all areas of development. Thus, she needs continued instruction to maintain skills.
<b>B3.</b> The skill would not be learned without the continuation of service due to <b>the timeliness for teaching the skill</b> . Explain why future years will not be sufficient to learn the skill.	<b>B3 Example:</b> P needs to maintain her pre-academic and social skills and existing skills in order to be successful in kindergarten.
	<b>B3 Example:</b> S is making some progress in replacing positive behaviors for the present dysfunctional ones. These gains need to be built on now rather than taking the chance that he might regress to using the old behaviors. These behavioral skills once learned and established as S's way of behaving will allow S to stay in the regular classroom and participate more fully with his peers.
<b>C. Pupil's Unique Need Criteria:</b> Given the pupil's unique need, the IEP team determines that <b>continued services are necessary to ensure</b> that the pupil receives a Free Appropriate Public Education ( <b>FAPE</b> ). Describe thoroughly or attach supportive documentation.	<b>C Example:</b> J requires the support of special education staff as he makes the transition from Level V Day Treatment to a mainstream program. The identification, teaching, and practice of identified social skill is an integral component of the program during the summer months as well as the regular school year. ESY is an important in developing the use of appropriate social skills to better enable the student to succeed in the mainstream environment.
	<b>C Example:</b> Placement in care and treatment has stabilized Z's life circumstances, which allows him to benefit from special education services.

### 3. Identify the ESY services and goals on the IEP

If the student is eligible to attend ESY, list ESY services separately in the service section.

A. Services should generally begin the day ESY starts and end the day before school starts in the Fall. If you do not know the ESY schedule when you write the IEP/IIP, the start date could be two days after school ends (to account for make-up days) and end August 31<sup>st</sup>.

B. List the services that will be provided (e.g., Academic – Reading), making sure to account for the total amount of daily ESY services on the service page. A generic “ESY service” has been added to the service list so that the service section reflects the time the student is engaged in ESY activities other than their special education service (e.g., speech). For example a K-12 student receiving 3 hours (180 minutes) of ESY per day, might receive 20 minutes of articulation service and 20 minutes of reading service. The activities for the rest of the day would be described as ESY Service for 140 minutes.

For most K-12 students attending ESY, the typical schedule is six (6) days per month for three (3) hours per day (180 minutes per day). For most Riverwoods School/SCCH students the typical sessions would be five (5) days per week for 150 minutes. For most Roosevelt ECSE students, ages 3 to 5, the typical sessions would be six (6) days per month for 120 minutes each day.

The following service section indicates that the elementary student will receive 20 minutes each of communication and reading services and that the remaining 120 minutes will be spent in general ESY services.

ESY Services							
Instruction or Service Provider	Instruction or Service Provided	Location	Anticipated Frequency	Min/Session		Service Dates	
				Ind	Dir	Start Date	End Date
ESY Provider	Academic-Reading	Special Education	6 per Month	0	20	06/19/07	08/10/07
Jane Doe	Communication - Articulation	Special Education	6 per Month	0	20	06/19/07	08/10/07
ESY Provider	ESY Service	Special Education	6 per Month	0	120	06/19/07	08/10/07

Since you may not know who the service provider will be for ESY when you are writing the IEP, you can use "ESY Provider" from the drop down list of staff in Student Plans. When ESY begins, the IEP manager who is assigned to the student can add the actual service providers names to the IEP so that staff can complete progress reports as needed.

The goal page of students eligible for ESY needs to clearly identify the goals to be worked on during ESY. Make sure to select Reqr/Rcp (Regression/Recoupment) and/or Self Suff (Self Sufficiency) when completing the ESY section of the IEP in Student Plans. The procedures are as follows:

- A. Select the student. This will take you to the Case Information screen. If the plan status is “Final” in the table/matrix for the Education Plan, click on “Pending” or “Final”.
- B. Change “Status” to “Draft” or “Correct”.
- C. Select “Edit”.
- D. Select “Extended School Year” from the purple menu on the left hand side of the page. This will take you to the Extended School Year screen.
- E. Go to the second table which lists the student’s goals and click on “Reqr/Recp” or “Self Suff” if the

goal is a targeted ESY goal that will be worked on in ESY due to Regression/Recoupment (Regr/Recp) or Self Sufficiency (Self Suff).

#### **4. Contact the parent in Spring to determine if student will attend ESY**

Students are eligible for Extended School Year (ESY) or not eligible. Whether eligible students attend or not is up to the parent.

#### **5. If student will attend, send pertinent IEP goal pages and other forms to Eileen Hoppe at the DAO.**

To print the targeted goals while the IEP is in "Draft" or "Correct" status:

- A) Select the student.
- B) Select "Edit" in the table/matrix for the document.
- C) Select "Print IEP" from the purple menu on the left hand side of the page. It is the last item on the menu. The document will open up as a PDF document. Review the IEP to identify the pages that contain the targeted goals.
- D) Click on the printer icon in the top upper left corner of the page. This will bring up the print screen. Indicate the pages that you want to print and select "OK" to print the document. The targeted goals for ESY will have one of the following listed at the top of each goal " Extended School Year services required. Progress toward self sufficiency may be anticipated in this area. Extended School Year services required. Regression and lack of recoupment may be anticipated in this area".

To print targeted ESY goals that have already been identified when the IEP is in "Pending" or "Final" status:

- A) Select the student. This will take you to the Case Information screen. Click on the print/view icon. The document will open up as a PDF document. Review the IEP to identify the pages that contain the targeted goals.
  - 1) Click on the printer icon in the top upper left corner of the page. This will bring up the print screen. Indicate the pages that you want to print and select "OK" to print the document. The targeted goals for ESY will have one of the following listed at the top of each goal " Extended School Year services required. Progress toward self sufficiency may be anticipated in this area" or "Extended School Year services required. Regression and lack of recoupment may be anticipated in this area".

Submit the required forms to Eileen Hoppe at the DAO. The typical due dates for submitting ESY information are as follows:

- A. March – Submit list of students who are eligible for ESY.
- B. April - Contact parents of eligible students to determine if they want their child to attend ESY.
- C. April – Submit Extended School Year Transportation Request forms along with a copy of each student's IDs/emergency card.
- D. May - Submit a copy of the student's ESY goals pages (see directions in section 5). Submit ESY Students Notes and ESY Materials/Equipment List.
- E. End of May - Complete and submit end of year progress report indicating present level of performance.

Specific due dates for ESY information, schedules, and location information will be included in memos sent out each year.

If you have questions about this FOCUS contact your Special Education Supervisor.

## **FOCUS On Training Paraprofessionals – October, 2008**

### **Training Requirements**

This newsletter will describe paraprofessional training requirements, the new procedure for requesting training time and resources for teachers who supervise paraprofessionals.

Districts are required to ensure that before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works.

The District is also required to make annual training opportunities available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, implementing student programming, monitoring behavior, supporting instructional activities, and providing assistance with personal cares (e.g., activities of daily living).

Some of the required training and information are provided through the general employee orientation, the paraprofessional handbook and packets that new employees receive from Student Services. The paraprofessional handbook is now available on the Student Services section of the District webpage under Staff Resources. This handbook was updated in August, 2008, and contains additional information on confidentiality, third party billing, and para time logs.

### **Procedure for Requesting Training Time**

To help ensure that paraprofessionals develop the knowledge and skills specific to their assigned student(s), we have developed a process for teachers and paraprofessionals to be paid for the time they spend on **approved** training or activities outside of the regular school day. Teachers will be paid the teacher hourly rate and paraprofessionals will be paid at their normal hourly rate. Submitted time cards will only be paid if the necessary documentation is included and the supervisor approves the training.

To obtain approval for training, submit the Paraprofessional Training Time Request and Training Documentation form to your special education supervisor **at least one week** prior to the date of training or activity. The form is located in the Forms section of the Student Services web page. It is called Paraprofessional Training Time Request. The form is also included at the end of the newsletter. The WORD version of the form can be saved on your computer so that you can attach the completed form to an email and send it to your supervisor for approval. Since supervisors get so many emails, list the subject as TRAINING REQUEST so that it stands out from the other emails. The supervisor will inform teachers by email when the request has been approved.

After the training or activity has been completed, fill out the Post-training Documentation section of the form, describing the training outcome or activity. Send the form along with the time cards to Clare Mohs at the DAO. It is very important that training/activity and student name be listed on the time cards so that training can be tracked and paraprofessional time can be allocated. The supervisor will review the form and approve time cards for payment

## Resources for Teachers Who Supervise Paraprofessionals

The Minnesota Department of Education has developed information and resources for training teachers who supervise paraprofessionals. The address of the site is:

[http://education.state.mn.us/MDE/Learning\\_Support/Special\\_Education/Paraprofessional\\_Resources/Teachers\\_Directing\\_Paraprofessionals/index.html](http://education.state.mn.us/MDE/Learning_Support/Special_Education/Paraprofessional_Resources/Teachers_Directing_Paraprofessionals/index.html)

The site information is organized around the competency areas of Communicating with Paraprofessionals, Managing the Work of Paraprofessionals, Modeling for Paraprofessionals, Planning and Scheduling for Paraprofessionals, Providing Instructional Support for Paraprofessionals, Public Relations and Training for Paraprofessionals. An overview is provided with corresponding competencies, resources, tools, activities, discussion questions, and power point presentations. Examples of some of their resources include:

[Managing the Work of Paraprofessionals](#)  1Mb (8/24/06)  153Kb (8/24/06)

A PowerPoint that provides "need to know" information such as confidentiality, roles and responsibilities and mandated laws.

[Directing Paraprofessionals for Students with Developmental Cognitive Delay](#)  225Kb (8/2/06)  
 167Kb (8/2/06)

Using schedules and notebooks for ongoing supervision and communication.

[Providing Instructional Support for Paraprofessionals](#)  142Kb (8/24/06)

A Powerpoint for Special Education Teachers working with Paraprofessionals in the classroom.

[Role of Paraprofessional Assisting Students who are Blind](#)  121Kb (8/2/06)  89Kb (8/2/06)

Collaborative Mode of professional dialog

[Special Education Student's Daily Notebook](#)  281Kb (8/2/06)  444Kb (8/2/06)

Sample notebook, includes permission forms and emergency contact information, skills assessments, goals, progress reports on assigned work and more

[Strategies Supporting Positive Student Classroom Behavior](#)  1Mb (8/1/06)

Prevention and intervention strategies that provide for students' needs

[Teaching with Special Education Paraprofessionals - Tips for the First Year](#)  196Kb (8/7/06)   
153Kb (8/7/06)

Model for 1st year supervision of paraprofessionals.

Contact your special education supervisor or Susan O'Connor Meyer at Extension 1213 if you have questions.

**Paraprofessional Training Time Request & Training Documentation**

**Directions:** Submit this form to the special education supervisor at least one week prior to the date of training or activity. This form can be saved to your computer so that you can attach the completed form to an email and send it to your supervisor. Since supervisors get so many emails, list the subject as **TRAINING REQUEST** so that it stands out from the other emails. After the training/activity is completed, fill out the Post-training Documentation and send it along with the time cards to Clare Mohs at the DAO.

**Teacher Name:**

**Paraprofessional Name:**

**Name of Student(s) the Training or Activity is Related to:**

**Estimated Time for Training/Activities:**

**Date to be Completed:**

*I request time for training or activities related to the areas of:*

- |  |   |
|--|---|
| <input type="checkbox"/> Activities of Daily Living (e.g., dressing, eating, mobility, etc.) | <input type="checkbox"/> Health care (catheterization, medication, tubing, etc.)  |
| <input type="checkbox"/> Assistive Technology Devices  | <input type="checkbox"/> IEP Meeting  |
| <input type="checkbox"/> Behavior (e.g., management, observations, interventions, etc.)      | <input type="checkbox"/> Implementing Student Programming (e.g., dealing with schedule changes, implementing a new behavior change technique, etc.) |
| <input type="checkbox"/> Communication Devices or Tools                                      | <input type="checkbox"/> Instrumental Activities of Daily Living (e.g., accessing the community, shopping, transition activities, etc.)             |
| <input type="checkbox"/> Disability Information  | <input type="checkbox"/> Medication Information   |
| <input type="checkbox"/> Evacuation Plan   | <input type="checkbox"/> Positioning and Mobility   |
| <input type="checkbox"/> Equipment Use (e.g., wheelchair)                                    | <input type="checkbox"/> Supporting instructional activities and modifications  |
| <input type="checkbox"/> Individual Health Plan  | <input type="checkbox"/> Other:   |

*Describe the expected outcome of the training or activities. (e.g., the paraprofessional knows what medications the student is taking, the side effects and contraindications of the medication):*

**Post-training Documentation**

*After the training or activity has been completed, describe the outcome below. Submit the time cards to Clare Mohs at the DAO, making sure to list the training/activity and the student name on the time card.*

**Training Outcomes:**

**Time for Training/Activities:**

**Teacher Signature:**

## **FOCUS On Documenting Pupil Support Assistance and Program Support Assistance in Student Plans – November, 2008** *(Updated 8/2009)*

This is the first of two FOCUS Newsletters on Pupil Support Assistance and Program Support Assistance. This newsletter will define these terms and describe the procedures for including these supplementary aids<sup>12</sup> in Student Plans.

The term Pupil Support Assistance will replace the term one to one paraprofessional. The term Program Support Assistance will be used to describe assistance provided to more than one student or a group of students.

Pupil Support Assistance time must be reported to MDE, so it will be necessary to list the frequency, location and duration of this supplementary aid in a separate grid after Student Plans is upgraded. Program Support Assistance can be included in Supplemental Aids text box, however, it is important to specify when the Program Support Assistance will be used and under what conditions (frequency), where it will be used (location) and how often it will be used (duration). IDEIA has required that the anticipated frequency, location, and duration of all adaptations be included in the IEP since 2004.

### **Definitions**

The definitions are as follows:

**Pupil Support Assistance** – support provided by paraprofessional or other adult to one or two children in the areas of behavior, health, activities of daily living, instrumental activities of daily living, academics, transition, or functional skills. If the Pupil Support Assistance service involves providing help with Personal Cares (e.g., grooming, eating, mobility, etc..) the specific areas where assistance is being provided should be described in the Supplementary Aids text box.

**Program Support Assistance** – support provided by a paraprofessional or other adult to more than one child in the areas of behavior, academics, transition, or functional skills. Program Support Assistance services may also be described by site or program on the IEP. These would include ECSE Program Support Assistance, Day Treatment Support Assistance, Behavior Ed Program Support Assistance, SYP Support Assistance, and Clara's House Program Support Assistance.

### **Example 1 – Pupil Support Only**

The following example illustrates the use of Pupil Support Assistance as a service to achieve a goal in the area of independent living skills.

The student has a goal to develop a daily living skill to a specific level in a 12 month period. The teacher provides 40 minutes of service to develop a functional skill (e.g. buying, preparing, consuming food) twice a week.

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<sup>12</sup> Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116 (sections dealing with LRE, Continuum of alternative placements, Placements)

The teacher spends 15 minutes a day with the paraprofessional to adapt materials three days a week.

The paraprofessional implements the curriculum activities for an additional 30 minutes each day, five days a week. The paraprofessional is also providing assistance with personal cares and behavior for the remainder of the day (360 minutes – 300 in the special education setting and 60 in the general education setting).

The paraprofessional will be providing assistance with personal cares and behavior for 180 minutes, 3 days a week during ESY.

The service, pupil support table, and adaptation sections would look like this:

<b>Special Education and Related Services</b>							
<b>Provider</b>	<b>Instruction or Service Provided</b>	<b>Location</b>	<b>Anticipated Frequency</b>	<b>Min/Sess</b>		<b>Service</b>	
				<b>Ind</b>	<b>Dir</b>	<b>Start Date</b>	<b>End Date</b>
Jane Smith	Functional	Special Ed	2 per week		40	10/11/08	10/10/09
Jane Smith	Functional	Special Ed	2 per week	15		10/11/08	10/10/09

<b>Pupil Support Assistance</b>							
<b>Provider</b>	<b>Instruction or Service Provided</b>	<b>Location</b>	<b>Anticipated Frequency</b>	<b>Min/Sess</b>		<b>Service</b>	
				<b>Ind</b>	<b>Dir</b>	<b>Start Date</b>	<b>End Date</b>
Paraprofessional	Pupil Support Assistance During the regular school year	Special Ed	5 per week		30	10/11/08	10/10/09
Paraprofessional	Pupil Support Assistance Personal Care Assistance and Behavior During the regular school year	Special Ed	5 per week		300	10/11/08	10/10/09
Paraprofessional	Pupil Support Assistance Personal Care Assistance and Behavior - During the regular school year	General Ed	5 per week		60	10/11/08	10/10/09
Paraprofessional	Pupil Support Assistance Personal Care Assistance and Behavior - During ESY	Special Ed	3 per week		180	06/05/09	08/31/09

<b>Adaptations in General and Special Education (Supplemental)</b>
Describe needed supplemental aids and service in general and special education The following Personal Care Assistant Services will be provided: Application and Maintenance of Prosthetics/Orthotics, Bathing, Eating, and Monitoring/Intervening with Behavior.

**Example 2 – Pupil Support and Program Support Assistance**

The following example includes the use of Pupil Support Assistance in the Supplementary Aids grid, Program Support Assistance in the Supplementary Aids text box and a modification in the Modification text box. Please note that information is included about when and where the Program Support Assistance and the modification would be provided.

The student needs to improve his/her reading skills and has a goal to develop his/her reading skills to a specific level in a 12 month period.

The teacher provides 60 minutes of LD reading service using direct instruction five days a week. The paraprofessional provides an additional 40 minutes of special education support service in reading three days a week.

The teacher spends 15 minutes a day with the paraprofessional to adapt materials three days a week.

The service, pupil support table, and adaptation sections would look like this:

<b>Special Education and Related Services</b>							
<b>Provider</b>	<b>Instruction or Service Provided</b>	<b>Location</b>	<b>Anticipated Frequency</b>	<b>Min/Sess</b>		<b>Service</b>	
				<b>Ind</b>	<b>Dir</b>	<b>Start Date</b>	<b>End Date</b>
John Smith	Academic Reading	Special Ed	5 per week		60	10/11/08	10/10/09
John Smith	Academic Reading	Special Ed	3 per week	15		10/11/08	10/10/09

<b>Pupil Support Assistance</b>							
<b>Provider</b>	<b>Instruction or Service Provided</b>	<b>Location</b>	<b>Anticipated Frequency</b>	<b>Min/Sess</b>		<b>Service</b>	
				<b>Ind</b>	<b>Dir</b>	<b>Start Date</b>	<b>End Date</b>
Paraprofessional	Pupil Support Assistance During the regular school year	Special Ed	3 per week		40	10/11/08	10/10/09

<b>Adaptations in General and Special Education (Supplemental)</b>
Describe needed supplemental aids and service in general and special education. Pupil Support Assistance will provide additional academic support in reading. Additional academic support will be provided during the school year by the Program Support Assistant when homework for reading is expected to take more than 45 minutes.

<b>Adaptations in General and Special Education (Modifications)</b>
Describe needed program modifications or supports for school personnel to meet the needs of the student When reading assignments in the general education setting are more than 10 pages, checklists will be provided and assignments will be divided into shorter segments throughout the school year.

### **Example 3 - Early Childhood Special Education Program Support Assistance**

The following example relates to Early Childhood Special Education.

Special education services will consist of two days of direct instruction from an Early Childhood Special Education teacher for 150 minutes.

The ECSE teacher will consult with the paraprofessional 15 minutes a day 2/4 days per week. A paraprofessional will provide direct instruction under the direction of the ECSE teacher. The paraprofessional will provide practice of newly learned skills, adapt and modify classroom activities, assist in functional daily activities, and opportunities to practice social interactions for 150 minutes 2/4 days per week. The service and adaptation sections would look like this:

Special Education and Related Services							
Provider	Instruction or Service Provided	Location	Anticipated Frequency	Min/Sess		Service	
				Ind	Dir	Start Date	End Date
Ann Smith	ECSE	Special Ed	2 /4		150	10/11/08	10/10/09
Ann Smith	ECSE	Special Ed	2 /4	15		10/11/08	10/10/09

Pupil Support Assistance							
Provider	Instruction or Service Provided	Location	Anticipated Frequency	Min/Sess		Service	
				Ind	Dir	Start Date	End Date
Paraprofessional	ECSE Program Support Assistance During the regular school year	Special Ed	2 per week		150	10/11/08	10/10/09

Adaptations in General and Special Education							
<b>Describe needed supplemental aids and service in general and special education</b>							
The paraprofessional will provide direct instruction under the direction of the ECSE teacher. The paraprofessional will provide practice of newly learned skills, adapt and modify classroom activities, assist in functional daily activities and opportunities to practice social interactions.							

If you have questions, please contact your special education supervisor or Susan O'Connor Meyer at Ext. 1213.

### **FOCUS on Planning for Pupil and Program Support Assistance – November 2008**

This is the second FOCUS Newsletter related to Pupil Support Assistance and Program Support Assistance. This newsletter will deal with the planning process & documentation for Pupil Support Assistance and Program Support Assistance. Please note that we will only be using the Student's Abilities and Assistance Matrix form for the planning process. Many of the steps used in completing the previous forms have been incorporated into the planning process.

Key planning factors to keep in mind include:

1. the specific support needs of the student
2. how we can move toward independence for the student
3. what natural supports are to be used to support the student, and
4. how social acceptance can be increased.

The IEP team should use the following planning process to determine student support needs.

1. Identify the intensive needs of the student based on the most recent Evaluation Report, the IEP Present Levels of Performance or the IIP Description of the Child. Considerations include:
  - a. safety concerns
  - b. need for continual teacher prompts and when prompts are needed
  - c. need for personal care assistance ( toileting, mobility, feeding, dressing
  - d. following basic safety procedures/rules
  - e. consistency of academic performance with aptitude
  - f. whether peers include student in classroom activities

- g. student receptiveness to peer support
2. Identify previous interventions and the effectiveness of those interventions.
3. Identify possible natural, peer, and adult supports.
4. Identify possible adaptations (supplemental aids, program modifications, AT) related to that need. Identify possible interventions, lesson plans, and/or task analysis related to that need.
5. Identify the IEP/IIP goal and/or objectives related to needs (e.g., "The student needs to independently traverse the school" or "The student needs to increase on task time").
6. If the team is considering paraprofessional resources, make arrangements for a special education supervisor to observe the student.
7. If the team determines that paraprofessional resources are needed for the student to progress towards IEP goals and objective, complete the Student's Abilities and Assistance Matrix to define the activities through out the day. Make sure to identify how you will increase student skills and independence.  
This form is available in the Forms section of the Student Services website. It is also attached to this document.
8. Periodically conduct a fidelity check to ensure that peer and adult tasks/activities are consistent with the Student's Abilities and Assistance Needs Matrix.
9. As part of each progress report, review the Student's Abilities and Assistance Needs Matrix in terms of areas where there has been progress, accomplishment, decrease in support needs, fading of adult support, etc. Include the information in the Progress Report.
10. If changes are significant, update the PLAAFP and adaptations on the IEP.
11. As support needs decrease or increase, collaborate with other building staff to optimize resource utilization.
12. Review steps 1-5 at each annual IEP meeting or more frequently if needs changes significantly.
13. Document the need for paraprofessional support in the "Present Level(s) of Performance" by providing a statement of how the paraprofessional will support the student's program in relation to the student's needs and/or the identified goal and objectives that will need support.
14. List Pupil Support Assistance in the "Pupil Support Assistance Table" when the support is being provided by a paraprofessional or other adult to one or two children in the areas of academics, behavior, health, activities of daily living, and instrumental activities of daily living.
15. Specify the exact role, duties, and activities of the staff person providing Pupil Support Assistance in the Supplemental Aids section of Adaptations in the IEP. State that the student will receive Pupil Support Assistance from a paraprofessional or another adult in this section, if appropriate. This is especially important for students who are nonresidents - other districts will not pay for Pupil Support Assistance services unless it is listed on the IEP.
16. List the Program Support Assistance in the Supplementary Aids text box when the paraprofessional or other adult provides support to more than one child in the areas of behavior, academics, transition, or functional. Program Support Assistance services may also be described by site or program on the IEP. If

desired, the Program Support Assistance can be identified by program (e.g., Day Treatment Support Assistance, Behavior Ed Program Support Assistance, SYP Support Assistance, and Clara's House Program Support Assistance). Information about frequency, duration, and location of these services must be included in the narrative.


If you have questions, please contact your special education supervisor or Susan O'Connor Meyer at Extension 1213.

## STUDENT'S ABILITIES and ASSISTANCE NEEDS MATRIX

**STUDENT'S NAME:** \_\_\_\_\_

<i>Activity</i>	<i>What student can do without assistance</i>	<i>What student can do and needs accommodations to complete</i>	<i>Who/What</i>	<i>What student cannot do and needs assistance with</i>	<i>Who/What</i>	<i>Identify skills you will target for independence (should be identified in IEP)</i>	<i>Describe natural supports</i>
Arrival/Time							
Period 1/Time							
Period 2/Time							
Period 3/Time							
Period 4/Time							
Period 5/Time							
Period 6/Time							
Period 7/Time							
Period 8/Time							
Period 9/Time							
Period 10/Time							
Departure/Time							


## **FOCUS on Related Services – February 2009** *(Updated August, 2009)*

This newsletter uses a question and answer format to provide information about related services. Most of the information is drawn from a tutorial that was distributed in 2006. New information is identified with the  symbol. Please note that Question 5 corrects information presented in the December 2008 training on Evaluation Plans and Reports.

### **Question 1: What is the difference between special education and related services?**

**Answer 1:** Special education is specially designed instruction designed to meet the needs of a child with a disability. Specially designed instruction means adapting the content, methodology, or instruction to address the unique needs of the child that result from the disability. The focus of the specially designed instruction is to teach the skills that impact progress in the general education curriculum due to the disability.

Related services are developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. Services which are considered to be exclusively related services include:


Interpreting services for DHH   
Special Transportation  
Audiology  
Psychological services  
Physical and occupational therapy  
School health services, such as nursing  
Orientation and mobility services  
Assistive technology devices/services

Services which can be either special education or related services include:

Speech-language pathology  
Counseling services, including skills training provided by mental health facilitators,  
Social work services in school  
Transition services (14 – 21).

### **Question 2: How should IEP/IIP/ISP teams determine when a child needs a related service?**


**Answer 2:** Related services should be provided when it is determined that the child is unable to benefit from special education services if the related service is not provided. There are three situations when these additional services should be provided.

A. The child has not been able to make progress on their goals through the primary instructional services.  **Related services can not be added unless the data included in the progress report demonstrates that the child is not making adequate progress on their goals.** In this context, related services such as physical therapy and counseling by mental health facilitators are educational interventions that are linked to instructional goals.

They should be provided when the team determines that the related service is necessary to make progress toward the student's educational goal(s).<sup>13</sup>

B. The nature of the disability necessitates the provision of the related service. For example, it is necessary to provide orientation and mobility when the student has a severe visual impairment. Likewise, it would be appropriate to provide physical therapy services to consult with and provide training to educational staff regarding mobility when a physical disability results in significant mobility needs.

C. The student needs the related service to access other special education services. For example, the related service of special transportation would be provided when a physical disability or behavioral issues interfere with accessing other special education services. Nursing services and interpreting services also ensure that the student can access services.

 **Question 3:** Should related services such as interpreting services for students with DHH, nursing, audiology and special transportation always be included in the Special Education and Related Services section of the IEP/IIP/ISP?

**Answer 3:** Yes - these related services should be included in the service grid, even if they were previously described as consultative services in the adaptation section of the IEP/IIP/ISP. This information is reported to MDE and is used for tuition and third party billing. Please continue to provide additional information about these related services in the supplemental aids section of the adaptations (e.g., why the student needs special transportation).

Make your best estimate of how much service time will be provided, being sure to include indirect service time. Indirect services include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe. Indirect services may be provided by a teacher or related services professional to another regular education teacher, special education teacher, related services professional, paraprofessional, support staff, parents, and public and nonpublic agencies to the extent that the services are written in the pupil's IEP/IIP/ISP.

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<sup>13</sup> For example, the first progress report of the year indicates that the student has been making minimal progress in written language goals, specifically handwriting. The evaluation report identified concerns with fine motor skills. A review of baseline data and current data indicate that the student has not significantly increased the number of letters he is able to write (e.g., the baseline was six letters and he is currently writing seven letters). Since the occupational therapy services would assist the student in overcoming motor difficulties that interfere with letter formation it is expected that this related service would help the student achieve the goal of increasing the number of letters he can write. The team documents on the IEP that the occupational therapist will consult with and provide training to educational staff once a month concerning the student's fine motor needs. When completing the next progress report, the IEP manager and the occupational therapist evaluate the impact of occupational therapy in facilitating progress on the goal of handwriting and the need to continue the service. The related service would be discontinued if the child is making adequate progress on the goal or the primary instructional staff are able to address motor needs related to the goal.

For example, at a minimum a nurse would need to spend some time reviewing the health plan or background information on a student at the beginning of the year or prior to working with them. This would be considered indirect time. Time spent training staff would also be included as indirect time. To estimate direct service time, it may be helpful to consult with prior service providers and to review previous IEPs or service logs. *(Updated 8/2009)*

When an interpreter is the only one providing the service, their service time would be recorded as direct service. Their service would be recorded as indirect service time when another service provider is providing a service. For example, if the LD teacher is vending reading service and the interpreter is interpreting the information to the student, the LD service is direct and the interpreter service is indirect. *(Updated 8/2009)*



**Question 4:** Don't we have to have a separate goal and objectives for every service listed in the Special Education and Related Services section?

**Answer 4:** No. It is not necessary to have a separate goal for the related service. Related services are being provided because the student has not been able to make adequate progress on their goals through primary instructional services alone, the nature of the disability necessitates the provision of the related service, or the student needs the related service to access other special education. Mental health services may have goals because of third party billing requirements.



**Question 5:** If evaluation results indicate that the student needs or is likely to need a related service, where do we describe it in the evaluation report?

**Answer 5:** Document this information in the Educational Needs section of the evaluation report. If the disability necessitates the provision of the related service, describe the impact of the student's disability on their capacity to access special education services. If the team strongly believes that the child is not likely to make progress in an area and that it would be detrimental to implement instructional services without the related service, describe the area where progress is not likely to be made and why the team believes progress is not likely. Please contact your supervisor if you have questions about how to document this information.

The continued need for related services should always be addressed as part of reevaluations and annual IEP/IIP/ISP meetings.

**Question 6:** Are speech services for children with the disability of DD in the ECSE programs always considered related services?

**Answer 6:** Articulation, fluency, voice, and language services are specially designed instruction (special education services) if the child meets the eligibility criteria in these areas. Children in the ECSE program with language delays CAN receive language as a related service if they are not able to make progress on their language goals. An example would be a child who has an education need in language but language was not an area where criteria

were met. The ECSE teacher would address the educational needs in the area of language. If the team later determined that the child was not making adequate progress on language goals, the team could add language as a related service and assign the speech language pathologist as the provider.



**Question 7: Do students with Autism Spectrum Disorder automatically qualify for language services from an educational speech language pathologist (SLP) because communication is part of the eligibility criteria? How should this be documented?**

**Answer 7:** No. If the team has determined that the student has educational needs in the pragmatic language area, the service may be provided by a variety of individuals in the building through a direct or indirect model based on the individual needs of the students. For example, the SLP might provide direct services to the team on strategies for social coaching by teachers, paraprofessionals, and the student's peers. Educational needs in the pragmatic language area should be determined by gathering information from selected instruments listed below.

1. Formal Standardized Assessments:

IQ scores (verbal/performance)

CELF-4

TLC-E

TOPS-3, Elementary

TOPS-2, Adolescent

The Social Language Development Test – Elementary (new)

Communication and Symbolic Behavior Scales (CSBS)

2. Informal Measures:

Language Samples

-Observations in natural environments to evaluate interpretation of non-verbal communication, conversation interaction skills, conversation breakdown behaviors and repair strategies, interpretation of figurative language, etc.

-Concurrent data reliability—comparison to peers in same setting

-Number of trials/communication opportunities and percentages

-More than one observer

-Parent reports

-Informal tasks: (from Michelle Garcia Winner and Jill Kuzma)

-False Belief Tasks

-"Listening with the Eyes"

-Social Sequence Narrative

-Double Interview

-Social Scenario Pictures

-Emotional Understanding

-Specific documentation of needs from other special education professionals (DCD, LD, Autism Specialist etc.)

3. Criterion referenced instruments administered by the SLP and other team members:

CELF-4 Pragmatic Profile

ADOS

BRIEF

Vineland–Functional Communication Skills

This information should be documented in the evaluation report and/or the Present Levels of Academic Achievement and Functional Performance (PLAAFP)/ Description of Child sections for the IEP/IIP/ISP. If the Speech Language Pathologist provides services for students with pragmatic language needs, the term “Language (pragmatics)” should be listed on the IEP/IIP/ISP. “Language (pragmatics)” has been added as a service in Student Plans.



**Question 8: If a child is not making progress, how do we add related services?**

**Answer 8:** If a student is not making progress, take the following steps:

- a. Identify the goal in which the data indicate that progress is not being made on the goal.
- b. Describe what services have been provided to date (nature and duration).
- c. Document current performance data that has not improved over baseline data.
- d. Transfer information into PLAAFP.
- e. Conduct IEP/IIP/ISP Meeting, making sure that the related services staff are invited and are attending. Discuss related services.
- f. Do a new IEP/IIP/ISP.
- g. Document the specific intervention, service, training and/or consultation that will be provided by the related service provider on the IEP/IIP/ISP.
- h. Review the impact of and continued need for the related service as part of each ensuing annual IEP/IIP/ISP. Document team discussion and continuing need on the IEP/IIP/ISP



**Question 9: How do you document discontinuation of a related service?**


**Answer 9:** If a progress report indicates that a student has met or made adequate progress on their goal, schedule an IEP/IIP/ISP meeting to discuss discontinuation of the related service. If the team decided to discontinue the service, summarize the progress information in the PLAAFP or Description of Child and remove the related service from the IEP/IIP/ISP.

**Question 10: I thought if a child qualified for EBD and had academic needs in the area of reading (below the 10<sup>th</sup> percentile) but did not qualify for SLD that the academic services provided by the LD teacher would be LD related services. If the academic services are not related services, what are they?**

**Answer 10:** Specially designed instruction is special education, not related services. So in this case, the service is a special education service that is being provided based on educational needs identified in the Evaluation Report. The services can be provided by the person whose skills sets best meet the child's needs.

If it was determined that the student needed small group instruction because academic needs were primarily the result of behavior interfering with educational performance, the IEP/IIP/ISP would indicate that the service is “Behavior”. This is also a special education service.

The following table attempts to illustrate when services are considered to be related services based on various disabilities and needs. It also indicates what type of service would be listed on the IEP/IIP/ISP. The first two examples are drawn from the answer to this question.

Disability Information	Needs	Service	Related Service?
EBD Not SLD	Improve interpersonal skills and peer interactions	Behavior - Social Skills	NO - addressing educational need through specialized instruction
	Academic - reading below 10 <sup>th</sup> %ile	Academic - Reading	NO -addressing educational need through specialized instruction
EBD Not SLD	Increase on task behavior and task completion	Behavior - Self Management	NO - addressing educational need through specialized instruction
	Behavior interferes with learning - needs small group	Behavior - Learning skills	NO - addressing educational need through specialized instruction
SLD Not SP/L	Written Language	Academic - Written	NO - addressing educational need through specialized instruction
	Language - increase use of grammatical sentences	Language	YES - if team determined that the student needs the service because he/she has not made progress on goals with academic services only.
ASD Not SP/L	Increase ability to remain flexible throughout day	Behavior - Self Management	NO - addressing educational need through specialized instruction
	Improve pragmatic language	Language (pragmatics)	 YES – team determined and documented in ER or IEP/IIP/ISP that the student had an educational need in the area of pragmatic language.
DCD	Needs close supervision to get to and from school because of safety concerns.	Transportation <sup>14</sup>	YES - child needs service to access other special education services.
EBD	Increase self management of behavior	Behavior - Self Management	NO - addressing educational need through specialized instruction

<sup>14</sup> List these services in Special Education and Related Services table. Provide more detailed information in the Supplemental Aids section of the Adaptations.

<b>Disability Information</b>	<b>Needs</b>	<b>Service</b>	<b>Related Service?</b>
	Increase problem solving skills for managing behavior	Mental Health - Skills Training (aka Counseling)	YES - if team determined that the student needs the service because he/she has not made progress with behavior services only
DCD	Increase written language skills in the areas of writing letters	Academic - Written Language	NO - addressing educational need through specialized instruction
	Decreased visual motor control that limits his ability to do written work	Motor - Fine	YES - if team determined that the student needs the service because he/she has not made progress with academic services only
OHD DAPE	Improve balance and coordination	DAPE	NO - addressing educational need through specialized instruction
	Improve balance and coordination	PT	YES - if team determined that the student needs the service because he/she has not made progress with DAPE services only
	Learn to self monitor blood sugar	Nursing <sup>2</sup>	YES - the nature of the child medical condition necessitates the provision of the related service

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