

Wabasha-Kellogg School District
#811
Total Special Education System
2022-2023

Hiawatha Valley Education District Total Special Education System (TSES)

This document serves as the Total Special Education System Plan for Hiawatha Valley Education District (HVED) in accordance with Minnesota Rule 3525.1100. This plan also includes an assurance for compliance with the federal requirements pertaining to districts' special education responsibilities found in United States Code, title 20, chapter 33, sections 1400 et seq., and Code of Federal Regulations, title 34, part 300. This document is a companion to the Application for Special Education Funds – Statement of Assurances (ED-01350-29).

Debra Marcotte, HVED's Executive Director, Zach Selnes, Clover Schmitt, Tracy-Tweeten-Lind, and Amy York, Directors of Special Education, are responsible for program development, coordination, and evaluation; in-service training; and general special education supervision and administration.

Administrative Structure and contact information

Executive Director	Debra C. Marcotte, Ed.D dmarcotte@hved.org 507-474-6882			
Special Education Directors	Zach Selnes zselnes@hved.org 507-459-3577	Clover Schmitt, PhD cschmitt@hved.org 507-730-2485	Tracy Tweeten-Lind ttweeten-lind@hved.org 507-459-0576	Amy York, PhD ayork@hved.org 507-767-1022
Districts/ Charter Schools	* Early Intervention * Chatfield * Dover-Eyota * Plainview-Elgin-Millville * St. Charles	* Caledonia * La Crescent-Hokah * SPECTRUM (<i>Specialized Programming, Education, Comprehensive Therapy and Resources for Unique Minds</i>) * River Valley Academy	* Lanesboro * Mabel-Canton * Ridgeway Community School * Rushford-Peterson * Spring Grove * Houston * Bluffview Montessori * Rollingstone Community School	* (SAIL) <i>Students Achieve Integrative Learning</i> * Wabasha-Kellogg /Falcon View Connections Academy *Minnesota Virtual Academy

I. Child Study Procedures

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

A. Identification

In accordance with MN administrative rule 3525.0750, HVED and member districts have developed systems designed to identify pupils with disabilities beginning at birth, pupils with disabilities attending public and nonpublic school, and pupils with disabilities who are of school age and are not attending any school.

Birth to Three

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

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

- A. the child meets the criteria of one of the disability categories in United States Code, title 20, chapter 33, sections 1400, et. seq., as defined in Minnesota Rule 3525.1325 through 3525.1350; or
- B. the child meets one of the criteria for developmental delay in sub-item (1) or the criteria in sub-tem (2);
 - (1) the child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay;
or
 - (2) the child is experiencing a developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean, as measured by the appropriate diagnostic measures and procedures, in one or more of the following areas:
 - (a) cognitive development;
 - (b) physical development, including vision and hearing;
 - (c) communication development;
 - (d) social or emotional development; and
 - (e) adaptive development.

Three Years Through Age Six Years

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

- A. the child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, sections 1400 et seq., as defined in Minnesota Rule 3525.1325 through 3525.1351; or

<http://education.state.mn.us/MDE/dse/sped/mon/prog/list/index.htm>

- B. the child meets one of the criteria for developmental delay in sub-item (1) and the criteria in sub-item (2) HVED has elected the option of implementing these criteria for developmental delay.

(1) The child:

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

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

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

Seven Through 21 Years

A child age 7 through age 21 is eligible when 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 Rule 3525.1325 through 3525.1351;

**** Determining eligibility for Specific Learning Disability (SLD)**

HVED and each member district's plan for identifying a child with a specific learning disability (SLD) is consistent with Minnesota Rule 3525.1341. HVED supports the use of both models for identifying eligibility as a student with a SLD which are defined as severe discrepancy or scientific, research-based intervention (SRBI), when criteria for using the SRBI model are met. HVED's plan for identifying a child with a specific learning disability using the SRBI option is attached within *Appendix A: Multi-Tiered System of Supports (MTSS) Framework*

B. Evaluation

Part C Early Intervention

Evaluation of the child and assessment of the child and family will be conducted in a manner consistent with Code of Federal Regulations, title 34, section 303.321.

A. General.

- (1) The lead agency must ensure that, subject to obtaining parental consent in accordance with § 303.420(a)
- (2), each child under the age of three who is referred for evaluation or early intervention services under this part and suspected of having a disability, receives—

- (i) A timely, comprehensive, multidisciplinary evaluation of the child in accordance with paragraph (b) of this section unless eligibility is established under paragraph (a)(3)(i) of this section; and

- (ii) If the child is determined eligible as an infant or toddler with a disability as defined in § 303.21;

(A) A multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs;

(B) A family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of that infant or toddler. The assessments of the child and family are described in paragraph (c) of this section and these assessments may occur simultaneously with the evaluation, provided that the requirements of paragraph (b) of this section are met.

(2) As used in this part—

(i) Evaluation means the procedures used by qualified personnel to determine a child's initial and continuing eligibility under this part, consistent with the definition of infant or toddler with a disability in § 303.21. An initial evaluation refers to the child's evaluation to determine his or her initial eligibility under this part;

(ii) Assessment means the ongoing procedures used by qualified personnel to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child's eligibility under this part and includes the assessment of the child, consistent with paragraph (c)(1) of this section and the assessment of the child's family, consistent with paragraph (c)(2) of this section; and

(iii) Initial assessment refers to the assessment of the child and the family assessment conducted prior to the child's first IFSP meeting.

(3) (i) A child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child) under this part if those records indicate that the child's level of functioning in one or more of the developmental areas identified in § 303.21(a)(1) constitutes a developmental delay or that the child otherwise meets the criteria for an infant or toddler with a disability under

§303.21. If the child's part C eligibility is established under this paragraph, the lead agency or EIS provider must conduct assessments of the child and family in accordance with paragraph (c) of this section.

(ii) Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. In addition, the lead agency must ensure that informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility under paragraph (b) of this section.

(4) All evaluations and assessments of the child and family must be conducted by qualified personnel, in a nondiscriminatory manner, and selected and administered so as not to be racially or culturally discriminatory.

(5) Unless clearly not feasible to do so, all evaluations and assessments of a child must be conducted in the native language of the child, in accordance with the definition of native language in § 303.25.

(6) Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed, in accordance with the definition of native language in § 303.25.

B. Procedures for evaluation of the child. In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child's eligibility under this part. Procedures must include –

- (1) Administering an evaluation instrument;
- (2) Taking the child's history (including interviewing the parent);
- (3) Identifying the child's level of functioning in each of the developmental areas in § 303.21(a)(1);
- (4) Gathering information from other sources such as family members, other care-givers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child's unique strengths and needs; and
- (5) Reviewing medical, educational, or other records.

C. Procedures for assessment of the child and family.

(1) An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs. The assessment of the child must include the following:

- (i) A review of the results of the evaluation conducted by paragraph (b) of this section;
- (ii) Personal observations of the child; and
- (iii) The identification of the child's needs in each of the developmental areas in § 303.21(a)(1).

(2) A family-directed assessment must be conducted by qualified personnel in order to identify the family's resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. The family-directed assessment must –

- (i) Be voluntary on the part of each family member participating in the assessment;
- (ii) Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
- (iii) Include the family's description of its resources, priorities, and concerns related to enhancing the child's development.

Part B Ages 3-21

A. Initial Evaluations

HVED and member districts conduct full and individual initial evaluations according to MN administrative rule 3525.2710 before the initial provision of special education and related services to a pupil. The initial evaluation shall consist of procedures to determine whether a child is a pupil with a disability that adversely affects the child's educational performance as defined in Minnesota Statutes, section 125A.02, who by reason thereof needs special education and related services, and to determine the educational needs of the pupil. The district proposing to conduct an initial evaluation to determine if the child qualifies as a pupil with a disability shall obtain an informed consent from the parent of the child before the evaluation is conducted. A district may not override the written refusal of a parent to

consent to an initial evaluation or reevaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

B.Reevaluations

HVED and member districts ensure that a reevaluation of each pupil is conducted if conditions warrant a reevaluation or if the pupil's parent or teacher requests a reevaluation, but at least once every three years and in accordance with subparts 3 and 4 of MN administrative rule 3525.2710.

C.Evaluation procedures. Evaluations and reevaluations shall be conducted according to the following procedures:

(1)The district shall provide notice to the parents of a pupil, according to Code of Federal Regulations, title 34, sections 300.500 to 300.505, that describes any evaluation procedures the district proposes to conduct.

(2)In conducting the evaluation, the district shall:

(i) use a variety of evaluation tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that are designed to assist in determining whether the child is a pupil with a disability and the content of the pupil's individualized education program, including information related to enabling the pupil to be involved in and progress in the general curriculum or, for preschool pupils, to participate in appropriate activities;

(ii) not use any single procedure as the sole criterion for determining whether a child is a pupil with a disability or determining an appropriate education program for the pupil; and

(3) use technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(4) Each district shall ensure that:

(i) tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not to be discriminatory on a racial or cultural basis, and are provided and administered in the pupil's native language or other mode of communication, unless it is clearly not feasible to do so;

(ii) materials and procedures used to evaluate an English learner are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education and related services, rather than measure the child's English language skills;

(iii) any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests;

(iv) the child is evaluated in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance,

communicative status, and motor abilities;

(v) evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the pupil are provided;

(vi) if an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report;

(vii) tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;

(viii) tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure; and

(ix) in evaluating each pupil with a disability, the evaluation is sufficiently comprehensive to identify all of the pupil's special education and related services needs, whether or not commonly linked to the disability category in which the pupil has been classified.

D. Upon completion of administration of tests and other evaluation materials, the determination of whether the child is a pupil with a disability as defined in Minnesota Statutes, section [125A.02](#), shall be made by a team of qualified professionals and the parent of the pupil in accordance with item E, and a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

E. In making a determination of eligibility under item D, a child shall not be determined to be a pupil with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency, and the child does not otherwise meet eligibility criteria under parts [3525.1325](#) to [3525.1351](#).

Additional requirements for evaluations and reevaluations.

A. As part of an initial evaluation, if appropriate, and as part of any reevaluation under this part, or a reinstatement under part [3525.3100](#), the IEP team and other qualified professionals, as appropriate, shall:

(1) review existing evaluation data on the pupil, including evaluations and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation; and

(2) on the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine whether the pupil has a particular category of disability, as described in Minnesota Statutes, section [125A.02](#), or, in case of a reevaluation of a pupil, whether the pupil continues to have such a disability, the present levels of performance and educational needs of the

pupil, whether the pupil needs special education and related services, or in the case of a reevaluation of a pupil, whether the pupil continues to need special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.

B. The district shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, subitem (2).

C. Each district shall obtain informed parental consent, in accordance with subpart 1, prior to conducting any reevaluation of a pupil, except that such informed parental consent need not be obtained if the district can demonstrate that it had taken reasonable measures to obtain such consent and the pupil's parent has failed to respond.

D. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the pupil continues to be a pupil with a disability, the district shall notify the pupil's parents of that determination and the reasons for it, and the right of such parents to request an evaluation to determine whether the pupil continues to be a pupil with a disability, and shall not be required to conduct such an evaluation unless requested to by the pupil's parents.

E. A district shall evaluate a pupil in accordance with this part before determining that the pupil is no longer a pupil with a disability.

F. Prior to using any restrictive procedures, the IEP team must conduct a functional behavioral assessment (FBA) as defined in part [3525.0210](#), subpart 22. The team must also document that it has ruled out any other treatable cause for the behavior, for example, a medical or health condition, for the interfering behavior.

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

Procedures for determining eligibility and placement

A. In interpreting the evaluation data for the purpose of determining if a child is a pupil with a disability under parts 3525.1325 to 3525.1351 and the educational needs of the child, the school district shall:

(1) draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

(2) ensure that the information obtained from all of the sources is documented and carefully considered.

- B. If a determination is made that a child is a pupil with a disability who needs special education and related services, an IEP must be developed for the pupil according to part 3525.2810.

Evaluation report

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

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

C. Plan for Receiving Referrals

HVED's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as *Appendix B: Referral Procedures Birth to age 2, Ages 3-6, and grades Kindergarten-12.*

ALTERNATE INSTRUCTION REQUIRED BEFORE ASSESSMENT REFERRAL.

HVED and member districts will receive referrals in compliance with MN Statute 125A.56., which Requires that.

- (a) Before a pupil is referred for a special education evaluation,
 - (i) the district must conduct and document at least two instructional strategies, alternatives, or interventions using a system of scientific, research-based instruction and intervention in academics or behavior, based on the pupil's needs, while the pupil is in the regular classroom.
 - (ii) The pupil's teacher must document the results. A special education evaluation team may waive this requirement when it determines the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's right to a special education evaluation.

(b) A school district shall use alternative intervention services, including the assurance of mastery program under section 124D.66, or an early intervening services program under subdivision 2 to serve at-risk pupils who demonstrate a need for alternative instructional strategies or interventions.

(c) A student identified as being unable to read at grade level under section 120B.12, subdivision 2, paragraph (a), must be provided with alternate instruction under this subdivision that is multisensory, systematic, sequential, cumulative, and explicit.

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

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

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

- A. Method of providing the special education services for the identified pupils:
 - (1) One on one services
 - (2) Small Group
 - (3) Direct
 - (4) Indirect
 - (5) Push-in
 - (6) Pull-out
 - (7) Co-Teaching, etc.
- B. Alternative sites available at which services may occur: (*Appendix C: Member District Sites and Alternative Sites*)
- C. Available instruction and related services:
 - (1) Physical Therapy
 - (2) Psychological Services
 - (3) Social Emotional Behavioral Services
 - (4) Social Work Services
 - (5) Occupational Therapy
 - (6) Developmental Adaptive Physical Education
 - (7) Counseling
 - (8) Physical and Other Health Disabilities Consultation
 - (9) Educational Audiology
 - (10) Special Education Teachers
 - (11) Speech/Language Services
 - (12) Sign Language Interpreter Services
 - (13) English Language Interpreter Services
 - (14) Secondary Transition Services

- (15) Orientation and Mobility
- (16) Special Transportation
- (17) Children’s Therapeutic Services and Supports (CTSS) in HVED programs
- (18) Autism Spectrum Disorder Consultation

III. Administration and Management Plan.

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

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

Staff Name and Title	Contact Information (phone/email/ mailing address/office location)	Brief Description of Staff Responsibilities relating to Child Study procedures and method of providing Special Education Services
Debbra Marcotte Executive Director	Phone: 507-452-1200 Email: dmarcotte@hved.org Address: 1410 Bundy Blvd. Winona, MN 55987	Hiawatha Valley Education District: Agency-wide oversight
Zach Selnes Special Education Director Early Intervention Chatfield Dover-Eyota Plainview-Elgin-Millville St. Charles	Phone: 507-459-3577 Email: zselnes@hved.org Address: 1410 Bundy Blvd. Winona, MN 55987	Program development, coordination, and evaluation; in-service training; and general special education supervision and administration.
Clover Schmitt Special Education Director <i>SPECTRUM (Specialized Programming, Education, Comprehensive Therapy and Resources for Unique Minds)</i> Caledonia LaCrescent-Hokah River Valley Academy School Psychologists	Phone: 507-730-2485 Email: cschmitt@hved.org Address: 1301 Lancer Boulevard La Crescent, MN 55947	Program development, coordination, and evaluation; in-service training; and general special education supervision and administration.

<p>Tracy Tweeten-Lind Special Education Director</p> <p>Lanesboro Mabel-Canton Ridgeway Community School Rushford-Peterson Spring Grove Houston Bluffview Montessori Itinerant Services (OT, PT, DHH, Audiology, Behavior Specialists, MTSS coordinators)</p>	<p>Phone: 507-459-0576 Email: ttweeten-lind@hved.org Address: 1410 Bundy Blvd. Winona, MN 55987</p>	<p>Program development, coordination, and evaluation; in-service training; and general special education supervision and administration.</p>
<p>Amy York, PhD Special Education Director</p> <p>(SAIL) <i>Students Achieve Integrative Learning</i> Wabasha-Kellogg MNVA CTSS Work Based Learning</p>	<p>Phone: 507-767-1022 Email: ayork@hved.org Address: 51 Red School Lane Kellogg, MN 55945</p>	<p>Program development, coordination, and evaluation; in-service training; and general special education supervision and administration.</p>
<p>Amber Anderson Special Education Coordinator</p>	<p>Phone: 507-458-7856 Email: aanderson@hved.org Address: 306 West Elm St. Houston, MN 55943</p>	<p>Support Child Study Teams, staff mentoring and Due Process facilitation for assigned schools and programs</p>
<p>Angie Augendahl Special Education Coordinator</p>	<p>Phone: 507-429-8216 Email: aaugendahl@hved.org Address: 511 West Main St. Caledonia, MN 55921</p>	<p>Support Child Study Teams, staff mentoring and Due Process facilitation for assigned schools and programs</p>
<p>Samantha Clark Special Education Coordinator</p>	<p>Phone: 507-459-5369 Email: sclark@hved.org Address: 1301 Lancer Blvd La Crescent, MN 55947</p>	<p>Support Child Study Teams, staff mentoring and Due Process facilitation for assigned schools and programs</p>
<p>Dawn Kullot Special Education Coordinator</p>	<p>Phone: 507-458-8528 Email: dkullot@hved.org Address: 11555 Hillside Drive Chatfield, MN 55923</p>	<p>Support Child Study Teams, staff mentoring and Due Process facilitation for assigned schools and Programs</p>

<p>Karen Polyard Special Education Coordinator</p>	<p>Phone: 507-458-9007 Email: kpolyard@hved.org Address: 51 Red School Lane Kellogg, MN 55945</p>	<p>Support Child Study Teams, staff mentoring and Due Process facilitation for assigned schools and programs</p>
<p>Shay Mahoney Work Based Learning Coordinator</p>	<p>Phone: 507-429-0707 Email: smahoney@hved.org Address: 825 N. Warrior Ave Caledonia, MN 55921</p>	<p>Support Work-Based Learning for secondary schools and programs. Support Practical Assessment and Exploration System (PAES) lab.</p>
<p>Crystal Schroeder Work Based Learning Coordinator</p>	<p>Phone: 507-458-9265 Email: cschroeder@hved.org Address: 102 North Mill Street Rushford, MN 55971</p>	<p>Support Work-Based Learning for secondary schools and programs. Support Practical Assessment and Exploration System (PAES) lab.</p>

- E. Due Process assurances available to parents: Hiawatha Valley Education District has appropriate and proper due process procedures in place to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils, including alternative dispute resolution and due process hearings. A description of these processes are as follows:

Prior written notice to a) inform the parent that except for the initial placement of a child in special education, the school district will proceed with its proposal for the child's placement or for providing special education services unless the child's parent notifies the district of an objection within 14 days of when the district sends the prior written notice to the parent; and b) state that a parent who objects to a proposal or refusal in the prior written notice may request a conciliation conference or another alternative dispute resolution procedure.

- (1) HVED will not proceed with the initial evaluation of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent. A district may not override the written refusal of a parent to consent to an initial evaluation or reevaluation.
- (2) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless medical, dental, mental and other health services are necessary, in the professional's judgment, that the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.
- (3) Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability through conciliation, mediation, facilitated team meetings, or other alternative process. All dispute resolution options are voluntary on the part of the parent and must not be used to deny or delay the right to a due process hearing. All dispute resolution processes are provided at no cost to the parent.
- (4) Conciliation Conference: a parent has the opportunity to meet with appropriate district staff in at least one conciliation conference if the parent objects to any proposal of which the parent receives prior written notice. HVED holds a conciliation conference within ten calendar days from the date the district receives a parent's objection to a proposal or refusal in the prior written notice. All discussions held during a conciliation conference are confidential and are not admissible in a due process hearing.

Within five school days after the final conciliation conference, the district must prepare and provide to the parent a conciliation conference memorandum that describes the district's final proposed offer of service. This memorandum is admissible in evidence in any subsequent proceeding.

- (5) In addition to offering at least one conciliation conference, HVED informs parents of other dispute resolution processes, including at least mediation and facilitated team meetings. The fact that an alternative dispute resolution process was used is admissible in evidence at any subsequent proceeding. State-provided mediators and team meeting facilitators shall not be subpoenaed to testify at a due process hearing or civil action under special education law nor are any records of mediators or state-provided team meeting facilitators accessible to the parties.
- (6) Descriptions of the mediation process, facilitated team meetings, state complaint, and impartial due process hearings may be found in HVED's Procedure Safeguard Notice, attached as *Appendix D: Procedural Safeguards*

IV. Operating Procedures of Interagency Committees

A. HVED Community Transition Interagency Committee and Region 10 Community Transition Interagency Committee:

- A. HVED is an active member of Region 10 Community Transition Interagency Committee and works in cooperation with the county or counties in which the district is located, for youth with disabilities, during grade 9 or age equivalent, and their families. (Appendix E)
- B. Region 10 Community Transition Interagency Committees (CTIC) include representation from Fillmore County, Houston County, Wabasha County, Winona and Olmsted County. *Appendix E: HVED CTIC Operating Procedures*. Region 10 Community Transition Interagency Committees includes special education administrative units: Albert Lea Area Schools, Austin Public Schools, Faribault Public Schools, Fillmore Central Public Schools, Goodhue County Education District, HVED, Minnesota State Academy, Northfield Public Schools, Owatonna Public Schools, Rochester Public Schools, Southern Minnesota Education Consortium, Winona Area Public Schools, and Zumbro Education District.
- C. Governance of Members
- D. The chair person of HVED: Ron Pagel
- E. Community Transition Interagency Committee are:
 - (1) Crystal Schroeder, HVED Work Based Learning Coordinator.
- F. The HVED Community Transition Interagency Committee meets each year. Region 10 Community Transition Interagency Committee meets four times per year.
Region 10 CTIC minutes: <http://region10projects.org/region-10-ctic/>
- G. The HVED Community Transition Interagency Committee's operating procedures are included in each section of Appendix E, which includes the following:
 - (1) identification of current services, programs, and funding sources provided within the community for secondary and postsecondary aged youth with disabilities and their families;
 - (2) facilitation of the development of multiagency teams to address present and future transition needs of individual students on their individualized education programs;
 - (3) development of a community plan to include mission, goals, and objectives, and an implementation plan to assure that transition needs of individuals with disabilities are met;
 - (4) recommendations of changes or improvements in the community system of transition services;
 - (5) exchange of agency information such as appropriate data, effectiveness students, special

projects, exemplary programs, and creative funding of programs; and

(6) preparation of a yearly summary assessing the progress of transition services in the community including follow-up of individuals with disabilities who were provided transition services to determine post-school outcomes.

H. HVED CTIC disseminates the summary to all adult services agencies involved in the planning and as necessary to the Minnesota Department of Education (MDE) by October 1 of each year. The most current summary for each CTIC is included as part of *Appendix E: HVED CTIC Operating Procedures*.

B. Interagency Early Intervention Committee

A. Region 10 Interagency Early Intervention Committee is established in cooperation with other districts/special education cooperatives in cooperation with the health and human service agencies located in the county or counties in which the district or cooperative is located, for children with disabilities under age five and their families. HVED is a member and participant in the Region 10 IEIC. (Appendix F)

B. Region 10 Interagency Early Intervention Committee consists of the following individuals:

<u>Name</u>	<u>County</u>	<u>Role</u>
Colleen Johnson	Dodge/ Olmsted	Education
Diana Eipers	Dodge	School Readiness
Lisa Engbrecht	Rice	Education
Janet Hartman	R10	R10 Coordinator
Annie Kruse	Rice	Education
Olivia Sage	Rice	Education
Christine Kruse	Houston	Education
Kara Paulson	Freeborn	education
June Piepho	Steele	Public Health
Karen Erickson	Mower	Education
Jane Schwartau	Goodhue	Public Health
Becky Webster	Winona	Education
Natalie Loock	Freeborn	Public Health
Nicole Meyer	Goodhue	Education
Amber Reidt	Wabasha	Public Health

Dawn Tommerdahl	Rice/ Goodhue / Wabasha	3 Rivers Head Start
Kim Welsh	Olmsted	Education
Ashley Glende	Steele	Education
Pam Anfinson	Freeborn	Education
Teresa Buck	Olmsted	Public Health
Jenna Waddell	Olmsted	Public Health
Connie Berg	Fillmore	Education
Stephanie Arneson	SMEC	Education
Allison Pudlitzke		Families First
Christian Wernau	R10	RLIF
Cat Tamminga	State	State IEIC/ MDE
Brian Lynch	Olmsted	Mayo
Paulette Rostad	OLMSTED	Mayo
Isabel Mendoza	Dodge/Steele	SEMCAAC/ Headstart
Zach Selnes	HVED	EC Director HVED
Heidi Coulter		Southern MN Initiative Foundation
Alissa Sperling	R10	Families First
Kelly Barker	Pine Island	Education
Margaret Jones		Southern MN Initiative Foundation
Courtney Fricke	HVED	Education

- C. The Chair of the Early Intervention Committee is Kim Welsh and Co-chair is Nikki Meyer .
- D. The Early Intervention Committee meets quarterly.
- E. The Early Intervention Committee’s operating procedures are attached as *Appendix F: Region 10 Help Me Grow Interagency Early Intervention Committee (IEIC)* and include the following:
 - (1) development of public awareness systems designed to inform potential recipient families, especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, of available programs and services;

- (2) reduction of families' need for future services, and especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities, including a child under the age of three who: (i) is involved in a substantiated case of abuse or neglect or (ii) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;
- (3) establishment and evaluation of the identification, referral, child and family assessment systems, procedural safeguard process, and community learning systems to recommend, where necessary, alterations and improvements;
- (4) assurances of the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individualized education programs and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies;
- (5) implementation of a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;
- (6) facilitation of the development of a transitional plan if a service provider is not recommended to continue to provide services;
- (7) identification of the current services and funding being provided within the community for children with disabilities under age three and their families;
- (8) development of a plan for the allocation and expenditure of additional state and federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313) (this plan is attached as); and
- (9) development of a policy that is consistent with section 13.05, subdivision 9, and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public
- (10) identification and assistance in removing state and federal barriers to local coordination of services provided to children with disabilities;
- (11) identification of adequate, equitable, and flexible use of funding by local agencies for these services;
- (12) implementation of policies that ensure a comprehensive and coordinated system of all state and local agency services, including multidisciplinary assessment practices, for children with disabilities ages three to 21;
- (13) use of a standardized written plan for providing services to a child with disabilities developed under section 125A.023;
- (14) access the coordinated dispute resolution system and incorporate the guidelines for coordinating services at the local level, consistent with section 125A.023;
- (15) use the evaluation process to measure the success of the local interagency effort in improving the quality and coordination of services to children with disabilities ages three to 21 consistent with section 125A.023;

- (16) development of a transitional plan for children moving from the interagency early childhood intervention system under sections 125A.259 to 125A.48 into the interagency intervention service system under this section;
 - (17) coordination of services and facilitation of payment for services from public and private institutions, agencies, and health plan companies; and
 - (18) share needed information consistent with state and federal data practices requirements.
- F. The Early Intervention Committee participates in needs assessment and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families.
 - G. The Early Intervention Committee reviews and comments on the early intervention service of this Total Special Education System Plan for HVED, the county social service plan, the section(s) of the community health services plan that addresses needs of and service activities targeted to children with special health care needs, the section on children with special needs in the county child care fund plan, sections in Head Start plans on coordinated planning and services for children with special needs, any relevant portions of early childhood education plans, such as early childhood family education or school readiness, or other applicable coordinated school and community plans for early childhood programs and services, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities.

V. Interagency Agreements the District has Entered

HVED has entered in the following interagency agreements or joint powers board agreements for eligible children, ages 3 to 21, to establish agency responsibility that assures that coordinated interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources (this information is attached under Appendix G):

Fillmore County Collaborative
Houston County
Family Services Collaborative
Wabasha County Family Services Collaborative
Title IV-E Foster Care Candidacy Administrative
Agreement

VI. Special Education Advisory Council

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

- F. HVED’s Special Education Advisory Council (SEAC) is established in cooperation with other districts who are members of the special education cooperative.
 - (1) HVED established a joint member districts SEAC committee in May of 2013. Each member district has the opportunity to have at least two parents sit on the SEAC advisory board. The SEAC committee created an informational brochure for member district case managers to hand out to parents. There is a parent link on the HVED website which provides information about SEAC and SEAC sponsored activities. The SEAC will meet at least 2 times per year.
- G. HVED’s Special Education Advisory Council is not a subgroup of an existing board/council/committee.
- H. Members of the HVED’s Special Education Advisory Council consists of the following individuals;

HVED Representative – Coordinator, 1 Representative from each district (including parents of Birth–three year olds); and 1 Representative from the non-public schools. Members of the HVED SEAC voluntarily serve as representatives for two (2) or a three (3) year rotating terms, with the opportunity to volunteer for additional terms as described in the SEAC bylaws. The SEAC consists of parents, community representatives, and school staff. At least 50 percent of the members must be parents of students from diverse disability areas.

- i. 2019-20 HVED’s Special Education Advisory Council consists of the following individuals; additional membership will be added

Chair - Christine Troendle
Facilitator - Debbra Marcotte (HVED Executive Director)
Recorder - Debbra Marcotte (HVED Executive Director)
Bluffview Montessori -
Caledonia - Spencer Yohe
Chatfield - Lynnae Henry; Tom Keefe; Tom Moody
Dover-Eyota - Kathy Schumann; Vicki Arendt
Houston/Minnesota Virtual Academy –
La Crescent-Hokah -
Lanesboro – Christine Troendle
Lewiston-Altura- Jenny Koverman (parent of a student with a disability)
Mabel-Canton –
Plainview-Elgin-Millville – Julie Decorsey
Ridgway Community School -
Rushford-Peterson –
Spring Grove -
St. Charles –
Wabasha-Kellogg-
Rollingstone-

- j. HVED’s Special Education Advisory Council meeting schedule will be semi-annually.
- k. The by-Laws and operating procedures of HVED’s Special Education Advisory Council will be discussed and adopted at the first meeting of each year. Proposed by-laws and operating procedures may be found in *Appendix H: Special Education Advisory Council (SEAC) Operating Procedures and By-laws*.
- l. General and contact information available online at www.hved6013.org under PARENTS tab and via a brochure available online and through member district websites.

VII. Assurances

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

Yes: Assurance given

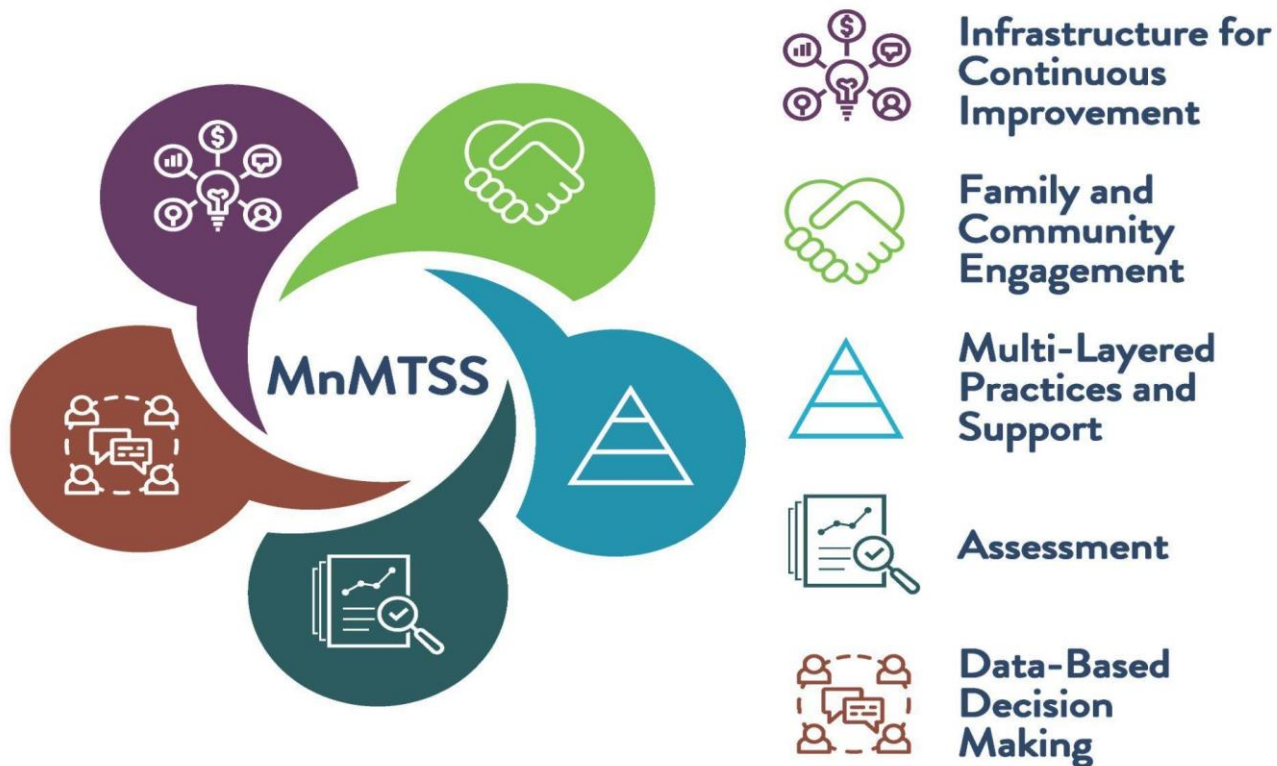
HVED Multi-Tiered System of Supports (MTSS) Model

Appendix A

HVED TSES

Introduction:

The Minnesota Multi-Tiered System of Supports (MnMTSS) is a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. MnMTSS provides access to layered tiers of culturally and linguistically responsive, evidence-based practices and relies on the understanding and belief that every student can learn and thrive. In addition, it engages an anti-bias and socially-just approach to examining policies and practices and ensuring equitable distribution of resources and opportunity.



This systemic framework requires:

1. Design and delivery of culturally and linguistically responsive, effective, standards-based core instruction in safe, supportive environments inclusive of every student as a necessary foundation for tiered supports.
2. Layered tiers of culturally and linguistically responsive supplemental and intensive supports to meet each student's needs.
3. Developing collective knowledge and experience through engagement in representative partnerships with students, education professionals, families and communities.
4. Multidisciplinary teams of education professionals that review and use data to prevent and solve problems, inform instruction and supports and ensure effective implementation in partnership with students and families.
5. Effective and timely use of meaningful, culturally relevant data disaggregated by student groups that includes but is not limited to universal screening, frequent progress monitoring, implementation fidelity and multiple qualitative and quantitative sources.
6. Ongoing professional learning on the MTSS systemic framework using anti-bias and socially-just approaches to training and coaching

Component 1: Infrastructure for Continuous Improvement

Infrastructure refers to the collection of physical, relational, and procedural mechanisms in a system that support people as they coordinate and work efficiently together. These components provide the structural stability for initiatives to be installed, sustained, and improved independent of particular individuals and personalities. An effective school infrastructure increases the likelihood that improvement efforts are focused and aligned and that educators are empowered to ensure equitable, healing-centered, assets-based social, emotional, behavioral, developmental, and academic outcomes for every student.

Component 2: Family and Community Engagement

Family Engagement is a process and a practice rooted in relational-trust which creates opportunities for equitable partnerships between families and school and district staff. These partnerships, from birth to graduation, nurture shared responsibility for students' academic and social success and honor the lived experiences, expertise, and cultural knowledge of all stakeholders--students, teachers, staff, families, and communities.

Component 3: Multi-Layered Practices and Supports

Tiered service facilitation is a school-wide, culturally and linguistically sustaining multilayered system of practices that intensifies instruction and supports as needed, so that each student meets rigorous and meaningful social, emotional, behavioral, developmental, and academic benchmarks. The tiers described refer to levels of support students receive, not to students themselves.

Component 4: Assessment

Assessment is the process of gathering evidence aligned to a specific purpose to be used in making educational decisions that improve the learning conditions for all students. A variety of assessment types and tools are used within the education system (classroom, school district, statewide), and the results should be used according to the intended purpose and the level of specificity of the information produced. Together, information on each system layer and assessment type describes the learning outcomes in relation to the defined expectations for all students. Assessments must be designed and validated for specific purposes.

Component 5: Data-Based Decision Making

Data are used to solve problems and make important decisions that impact student academic, behavior, and social-emotional well-being. Such decisions should create a continuous cycle of systems improvement involving educator support, policy enhancement, and procedural/instructional improvement. Data sources might include existing academic and demographic records, surveys, interviews, observations, program/policy/process data and fidelity data.

HVED and member districts will implement the Multi-Layered Practices of Supports of the MnMTSS. This framework will provide multi-layered strategies and techniques for implementation in the classroom to move student learning forward.

SLD ELIGIBILITY

HVED and each member district's plan for identifying a child with a specific learning disability (SLD) through the SRBI option is consistent with Minnesota Rule 3525.1341.

Minnesota rule 3525.1341 states:

D. The child demonstrates an inadequate rate of progress. Rate of progress is measured over time through progress monitoring while using intensive SRBI, which may be used prior to a referral, or as part of an evaluation for special education. A minimum of 12 data points are required from a consistent intervention implemented over at least seven school weeks in order to establish the rate of progress. Rate of progress is inadequate when the child's:

- (1) rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
- (2) progress will likely not be maintained when instructional supports are removed;
- (3) level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
- (4) level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data is used and differs from either state or national data, the group must provide a rationale to explain the difference.

HVED and member districts may utilize Scientific Research-Based Interventions (SRBI) for determination of eligibility for special education for students with a specific learning disability when districts or programs have developed systems of the necessary structures and systems are in place. Application to use the SRBI option for SLD eligibility will be made in writing by school teams to special education director for approval. Approval may not be granted without the support of the school psychologist and special education team responsible for facilitation of eligibility determination.

Teams should be aware that regardless of which method of eligibility determination they have chosen (ABC or ABD) to use there is a requirement to implement and collect data on the systematic pre-referral interventions. (MN Statute 125A.56)

When developing an evaluation plan, teams should determine what questions they still have that current data is not able to answer. The evaluation plan will then be developed to answer those remaining questions. One part of that plan, if considering Specific Learning Disabilities, is to determine if the student's achievement is at or below the 5th percentile on a standardized assessment. This score needs to come from a standardized assessment tool that was administered prior to, or during intervention or as part of the comprehensive evaluation process.

For more information about the comprehensive evaluation procedures please see the MN SLD Manual. (<http://education.state.mn.us/MDE/dse/sped/cat/sld/>)

Other forms that may be helpful to the teams: ([MDE SLD Eligibility Criteria Worksheet](#), [Sample Initial SLD Report](#))

Key Definitions:

Response-to-Intervention (RtI): Evaluating whether a student is benefiting from a scientifically-based instructional program through frequent and continuous measurement of performance and data-based decision-making. Special education services may be provided to those students meet eligibility criteria due to a failure to respond to well-designed interventions, experiencing low achievement, and do not demonstrate evidence for exclusionary criteria.

Scientific Research Based Intervention (SRBI): This is a term often used interchangeably with terms like evidence based or research based intervention or RtI. Instructional techniques, interventions, or curriculum that are based on studies that (a) use empirical methods, (b) include rigorous and adequate data analyses, (c) use measurements or observational methods that provide reliable and valid data, (d) employ experimental or quasi-experimental designs, (e) are replicable, and (f) undergo a formal peer review process.



Multi-tiered System of Support (MTSS): This is a term often used interchangeably with terms like evidence based or research based intervention or RtI. A Multi-Tiered System of Supports (MTSS) in Academics relies on multiple tiers of instruction that work together as a safety net to prevent school failure.
(<http://education.state.mn.us/MDE/dse/mtss/index.htm>)

Problem-Solving Model: Solutions to instructional and behavioral problems are generated by a team through a Five Step process: (1) Problem Identification, (2) Problem Analysis, (3) Plan Development, (4) Plan Implementation, and (5) Plan Evaluation.

Standard Treatment Protocol: Requires the use of the same empirically validated treatment for all children with similar problems. It is generally delivered in small groups and is often very structured. Often Standard-treatment protocols are a multi-faceted to meet aspects of the area of concern. Progress is monitored frequently and instruction is adjusted, based upon student response.

Criterion-referenced targets: Performance on benchmark assessments, using General Outcome Measures, is linked to performance on the state mandated Minnesota Comprehensive Assessments-II. This creates a series of criterion-referenced target scores at each grade level/assessment period for a General Outcome Measure, such that students who are at or above the target score have a high probability of reaching grade level proficiency on the upcoming MCAs. [There are two tiers of target scores] Students scoring at the Tier I target have a 75% likelihood of passing the MCA-IIs. Students scoring at the Tier II target have a 25% likelihood of passing the MCA- IIs. Additionally, in establishing the targets, the aim is to have the accuracy of predictions of success on the MCA-IIs not fall below 80% (i.e., aim is to establish the target such that 80% of the students predicted to pass the MCA-IIs do indeed pass them).

Norm-referenced targets: Norm-referenced targets provide information about how a student performed relative to some comparison group. For example, a student who scores in the 50th percentile performed as well or better than 50% of the students in the comparison group. This score would likely be considered in the “average” range of students nationwide, depending on the purpose of the assessment.

Curriculum-Based Measurement (CBM): A reliable and valid assessment system for monitoring student progress in basic academic skill areas such as reading, writing, spelling, and mathematics.

CBM procedures, including test administration, scoring, and interpretation, are standardized. The content of the CBM tests may be drawn from a specific curriculum or may represent generalized outcomes for a student at that grade level. In either case, CBM test content represents important, global outcomes for the year and not just an individual objective or series of objectives representing current instructional lessons. Students are given short alternate assessments of these important grade-level skills frequently across the school year and their scores are plotted on a graph. Teachers are then able to use these CBM scores in a formative way to gauge student progress over time.

Universal screening/benchmark assessments: Regular assessments (typically standardized and correlated with summative assessments such as MCA-II) that are administered to all students 2-3 times per year. Results can be used to determine whether Tier 1 instruction is meeting the needs of most (80% recommended) students, as well as to identify early on which specific students are not on track to be proficient on summative assessments. Examples include FastBridge probes and NWEA MAP tests.

Progress monitoring: A scientifically based practice used to assess students’ academic performance on a regular

basis and to evaluate the effectiveness of the instruction they are receiving. It can be implemented with individual students or an entire class. The information gathered through progress monitoring is used throughout the MTSS process to make important instructional decisions about the student. CBM is a scientifically validated means to carry out systematic progress monitoring.

Intervention integrity/fidelity: A process for monitoring the degree to which an intervention is implemented as planned, and corrections/adjustments are made as needed. Integrity of implementation can be checked by:

- (1) Self-report or log kept by the interventionist (review steps in the intervention, how often intervention will be done)
- (2) Review of permanent products from the intervention (work samples, progress monitoring data, etc.)
- (3) Direct observation of the intervention (i.e., number of observations, who will do the observations, observation notes)
- (4) Rating scales or rubrics used to judge or summarize observations of implementation of the intervention (review steps in intervention, review intervention script, etc.)
- (5) Students' actual attendance at intervention

Functional academic assessments: Student performance is assessed before intervention (at baseline) and then conditions are arranged to test the effect of certain intervention efforts on student learning.

Typically, these test conditions include providing easier material, providing practice responding, and providing incentives for improved performance. If a condition improves student performance (e.g., providing incentives), then that condition is used for intervention (e.g., incentives are provided for improved performance until learning has improved).

HVED's Program MTSS Plan:

Some programs within HVED may use the MTSS process. Students in any of the Level IV programs (SAIL, SPECTRUM) are already identified as students with a disability. Should a new area of concern arise they would follow the same intervention process described below.

Students attending River Valley Academy who are not currently identified as having a disability will progress through the tiered interventions. Students will be brought to the attention of the building administrator or school psychologist who will meet with the ALC team to define the concern in measurable terms, develop a hypothesis of what is constraining growth and design and document a Tier I intervention. The intervention would be carried out and progress monitored for a set number of weeks (Minimum of 12-14 weeks). Following the set number of weeks of intervention, including progress monitoring, the team would analyze progress, adjust the hypothesis, if needed and refine the problem statement. If needed the team would design and write up a Tier 2 intervention that would be carried out in the classroom setting. Parents would be notified of the Tier 2 intervention. Progress would be monitored to determine response to the intervention.

Should continued intervention be needed intensive Tier 3 intervention would be put into place. At any time in the process, parents may request a special education evaluation.

If any of the interventions are successful, the teams would then design a plan for sustaining the

intervention or slowly reducing the supports while maintaining success. Collected data would become part of the student's records and may be used as part of a special education evaluation.

Progress monitoring tools may include, but are not limited to: FASTBridge, teacher/team developed charting tools, frequency count data of defined behaviors, or engagement in courses.

Referral Procedures: Birth through age 2, Ages 3-6, and Grades Kindergarten through 12th

Appendix B

HVED TSES

Birth through age 2, Ages 3-5, and Grades Kindergarten through 12

Hiawatha Valley Education District’s plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is in the tables below.

Age of Child	District	Referral Process
Birth to Age 3	<p>All member districts of Hiawatha Valley Education District</p> <p>Referrals for infants and toddlers can be made by calling the state Help Me Grow facilitator at</p> <p>1-866-693-GROW (4769)</p> <p>http://helpmegrowmn.org/HMG/Refer/index.html</p> <p>HVED’s B-3 Special Education Director: Tracy Tweeten-Lind</p> <p>507-459-0576</p>	

Age of Child	District	Referral Process
Ages 3 through 6	Caledonia	Referrals for preschool children ages 3 through 5 may be made by contacting Caledonia Elementary School at 507-725-5205.
	Chatfield	Referrals for preschool children ages 3 through 5 may be made by contacting Chatfield Elementary School at 507-867-4521.
	Dover-Eyota	Referrals for preschool children ages 3 through 5 may be made by contacting Dover-Eyota Elementary School at 507-545-2632.
	Houston	Referrals for preschool children ages 3 through 5 may be made by contacting Houston Elementary School at 507-896-5323 option 2.
	La Crescent – Hokah	Referrals for preschool children ages 3 through 5 may be made by contacting La Crescent-Hokah Elementary School at 507-895-4428.
	Lanesboro	Referrals for preschool children ages 3 through 5 may be made by contacting Lanesboro Elementary School at 507-467-2229.
	Lewiston-Altura	Referrals for preschool children ages 3 through 5 may be made by contacting Lewiston-Altura Elementary School at 507-523-2194.
	Mabel-Canton	Referrals for preschool children ages 3 through 5 may be made by contacting Mabel-Canton Elementary School at 507-493-5422.
	Plainview-Elgin-Millville	Referrals for preschool children ages 3 through 5 may be made by contacting Plainview-Elgin-Millville PreK-3 Elementary School at 507-534-4232.
	Rushford-Peterson	Referrals for preschool children ages 3 through 5 may be made by contacting Rushford-Peterson Elementary School at 507-864-7787.

	Spring Grove	Referrals for preschool children ages 3 through 5 may be made by contacting Spring Grove Elementary School at 507-498-3223.
	St. Charles	Referrals for preschool children ages 3 through 5 may be made by contacting St. Charles Elementary School at 507-932-4910.
	Wabasha-Kellogg	Referrals for preschool children ages 3 through 5 may be made by contacting Wabasha-Kellogg Elementary School at 651-565-3559.
	Bluffview Montessori	Referrals for pre-kindergarten children may be made by contacting the child's resident district.
	Ridgeway Community School	Referrals for pre-kindergarten children may be made by contacting the child's resident district.
<p>Referrals for preschool children ages 3 through 5 may also be made by calling the state Help Me Grow facilitator at 1-866-693-GROW (4769) http://helpmegrowmn.org/HMG/Refer/index.html</p>		

Kindergarten to Grade 12

Referrals for students who are already in school may be made by contacting your child's teacher or the principal of the school your child attends.

Once a referral is received, a team of professionals will meet to review the referral and determine how to proceed. Options available to the team in attempting to resolve the reported academic or behavior problem include:

- developing and implementing interventions within the general education setting that are designed to target the identified problem;
- referral to the section 504 team to determine if the student is eligible for and needs an Accommodation Plan
- conducting a comprehensive evaluation to determine if the child is eligible for and needs special education instruction. If an evaluation is warranted, parents will be asked for their written permission to assess their child before any testing occurs.

Age of Child	District	Referral Process
	Caledonia	Caledonia Elementary School: 507-725-5205 Caledonia Middle School: 507-725-3316 Caledonia High School: 507-725-3316
	Chatfield	Chatfield Elementary School: 507-867-4521 Chatfield Secondary: 507-867-4210
	Dover-Eyota	Dover-Eyota Elementary School: 507-545-2632 Dover-Eyota Middle School: 507-545-2631 Dover-Eyota High School: 507-545-2631

Grades K - 12	Houston	Houston Elementary School: 507-896-5323 option 2 Houston High School: 507-896-5323 option 1 Minnesota Virtual Academy Elementary: 866-215-2292 option 3 MNVA Middle School: 866-215-2292 option 3 MNVA High School: 866-215-2292 option 4
	La Crescent – Hokah	La Crescent-Hokah Elementary School: 507-895-4484 La Crescent-Hokah Middle School: 507-895-4484 La Crescent-Hokah High School: 507-895-4484
	Lanesboro	Lanesboro Elementary School: 507-467-2229 Lanesboro High School: 507-467-2229
	Lewiston-Altura	Lewiston-Altura Elementary School, Pre K-4: 507-523-2191 Lewiston-Altura Intermediate, Grades 5-6: 507-523-2191 Lewiston-Altura MS/HS: 507-523-2191
	Mabel-Canton	Mabel-Canton Elementary School: 507-493-5422 Mabel-Canton High School: 507-493-5422
	Plainview-Elgin-Millville	Plainview-Elgin-Millville PreK-3 Elementary School: 507-534-4232 Plainview-Elgin-Millville 4-6 Elementary School: 507-876-2213 Plainview-Elgin-Millville Junior High School: 507-876-2521 Plainview-Elgin-Millville High School: 507-534-3128
	Rushford-Peterson	Rushford-Peterson Elementary School: 507-864-7785 Rushford-Peterson Middle School: 507-864-7785 Rushford-Peterson High School: 507-864-7785
	Spring Grove	Spring Grove Elementary School: 507-498-3223 Spring Grove High School: 507-498-3223

Age of Child	District	Referral Process
Grades K - 12	St. Charles	St. Charles Elementary School: 507-932-4910 St. Charles High School: 507-932-4420
	Wabasha-Kellogg	Wabasha-Kellogg Elementary School: 651-565-3559 Wabasha-Kellogg High School: 651-565-3559
	Bluffview Montessori School	Bluffview Montessori School: 507-452-2807
	Ridgeway Community School	Ridgeway Community School: 507-454-9566

Alternative Sites

Appendix C

HVED TSES

Appendix C

Alternative Sites

Alternative Sites at which services may occur:

1. SEMCAC Head Start Centers
 - Caledonia – 511 West Main Street Caledonia, MN 55912
 - LaCrescent-Hokah – 703 S. 11th Street LaCrescent, MN 55947
 - LeRoy – Ostrander – 406 W. Main Street, LeRoy, MN 55951 (Located in Mower & Fillmore Counties)
 - Migrant Head Start, 52497 275th Ave, Elgin, MN 55932 (800) 201-3464
 - Preston – 702 Chatfield Street Preston, MN 55965
 - St. Charles – 824 Church Avenue St. Charles, MN 55972
 - Wabasha, – 611 Broadway Avenue, Wabasha, MN 55981 (Three Rivers Community Action)
 - Winona – 1756 Kraemer Drive, #200 Winona, MN 55987
2. **Early Childhood Special Education Programs**
 - Caledonia Elementary, 511 West Main Street, Caledonia, MN 55921
 - Dover-Eyota Early Childhood Development Center, 27 Knowledge Road, Dover, MN 55934
 - Houston Early Childhood Center, 402 South Grant Street, Houston, MN 55943
 - La Crescent-Hokah Elementary, 4th and Oak Streets, La Crescent, MN 55947
 - Lanesboro Elementary, 100 Kirkwood Street East, Lanesboro, MN 55949
 - Lewiston-Altura Elementary, 115 Freemont Street South, Lewiston, MN 55925
 - Mabel-Canton Elementary, 316 West Fillmore Avenue, Mabel, MN 55954
 - Plainview-Elgin-Millville PreK-3, 500 West Broadway Avenue, Plainview, MN 55964
 - Rushford-Peterson Elementary, 102 North Mille Street, Rushford, MN 55971
 - Spring Grove Elementary, 113 Second Avenue NW, Spring Grove, MN 55974
 - St. Charles Elementary, 925 Church Avenue, St. Charles, MN 55972
 - Wabasha-Kellogg Elementary School, 2113 E. Hiawatha Drive, Wabasha, MN 55981
3. Student homes/Daycare (Early Intervening Services and Homebound Instruction)
4. Alternative Learning Programs
 - Area Learning Center, Minnesota State College SE, 1250 Homer Road, Winona, MN
 - ALC Satellite Services Within Member Districts {Grades 7 - 12 or Through Age 21}
 - ALC Targeted Services Within Member Districts {Grades K - 8}
 - PAES Lab (Practical Assessment Exploration System)
5. Level IV Program
 - SAIL (Students Achieve Integrative Learning) Program, 51 Red School Lane, PO Box 7, Kellogg, MN 55945
 - SPECTRUM Program, 211Main Street, Hokah, MN 55941
6. Early Childhood Family Education Programs
 - Caledonia Elementary, 511 West Main Street, Caledonia, MN 55921
 - Chatfield Elementary School, 11555 Hillside Drive, Chatfield, MN 55923
 - Dover-Eyota Early Childhood Development Center, 27 Knowledge Road, Dover, MN 55934
 - Houston Early Childhood Center, 402 South Grant Street, Houston, MN 55943
 - La Crescent-Hokah Elementary, 4th and Oak Streets, La Crescent, MN 55947
 - Lanesboro Elementary, 100 Kirkwood Street East, Lanesboro, MN 55949
 - Lewiston-Altura Elementary, 115 Freemont Street South, Lewiston, MN 55925
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 - Rushford-Peterson Elementary, 102 North Mille Street, Rushford, MN 55971

- Spring Grove Elementary, 113 Second Avenue NW, Spring Grove, MN 55974
- St. Charles Elementary, 925 Church Avenue, St. Charles, MN 55972
- Wabasha-Kellogg Elementary School, 2113 E. Hiawatha Drive, Wabasha, MN 55981

7. Student homes/Daycare (Early Intervening Services and Homebound Instruction)

8. Private Facilities

- Family and Children's Center (FCC), 601 Franklin St. Winona 507-453-9563 ext. 1119
- Bridges Day Treatment Preschool Program
- School Based Day Treatment for elementary and middle school aged students
- Adolescent Day Treatment
- Leadership Alternative Education

Procedural Safeguards Part B

Appendix D.1

HVED TSES

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

The material contained in this document is intended to provide general information and guidance regarding special education rights and procedural safeguards afforded to parents of children age 3 through 21 under state and federal law. This document explains a selection of some of the rights and procedural safeguards provided to parents under the Individuals with Disabilities Education Act (IDEA), the implementing regulations at 34 C.F.R. Part 300, and applicable Minnesota laws and regulations; it is not a complete list or explanation of those rights. This notice is not a substitute for consulting with a licensed attorney regarding your specific legal situation. This document does not purport to include a complete rendition of applicable state and federal law, and the law may have changed since this document was issued.

INTRODUCTION

This document provides an overview of parental special education rights, sometimes called procedural safeguards. These same procedural safeguards are also available for students with disabilities who have reached the age of 18.

The District must provide you with this Notice of Procedural Safeguards at least one time per year. It must also be given to you:

1. The first time your child is referred for a special education evaluation or if you request an evaluation;
2. The first time you file a complaint with the Minnesota Department of Education (MDE) in a school year;
3. The first time you or the district requests a due process hearing in a school year;
4. On the date the district decides to change the placement of your student by removing the student from school for a violation of the district discipline policy; or
5. Upon your request.

PRIOR WRITTEN NOTICE

The district must provide you with prior written notice each time it proposes to initiate or change, or refuses to initiate or change:

- the identification of your child;
- the evaluation and educational placement of your child;
- the provision of a free appropriate public education (FAPE) to your child; or
- When you revoke consent for services for your child in writing and before the district stops providing special education and related services.

This written notice must include:

1. A description of the action proposed or refused by the district;

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

In addition to federal requirements, prior written notice must inform you that, *except for the initial placement of your child in special education*, the school district will proceed with its proposal for your child's placement, or for providing special education services, unless you notify the district of an objection within 14 days of when the district sent you the prior written notice. The district must also provide you with a copy of the proposed IEP whenever the district proposes to initiate or change the content of the IEP.

The prior written notice must also state that, if you object to a proposal or refusal in the prior written notice, you must have an opportunity for a conciliation conference, and the school district must inform you of other alternative dispute resolution procedures, including mediation and facilitated IEP team meetings, under Minnesota Statutes, section 125A.091, Subdivisions 7-9.

FOR MORE INFORMATION

If you need help in understanding any of your procedural rights or anything about your child's education, please contact your district's special education director or the person listed below. This notice must be provided in your native language or other mode of communication you may be using. If your mode of communication is not a written language, the district must take steps to translate this notice orally or by other means. The district must ensure that you understand the content of this notice and maintain written evidence that this notice was provided to you in an understandable mode of communication and that you understood the content of this notice.

If you have any questions or would like further information, please contact:

Name: _____

Phone: _____

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

ARC Minnesota (advocacy for persons with developmental disabilities)

www.thearcofminnesota.org

651-523-0823

1-800-582-5256

Minnesota Association for Children's Mental Health
www.macmh.org
651-644-7333
1-800-528-4511

Minnesota Disability Law Center
www.mndlc.org
612-334-5970 (Twin Cities Metro)
1-800-292-4150 (Greater Minnesota)
612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights)
www.pacer.org
952-838-9000
1-800-53-PACER,
952-838-0190 (TTY)

Minnesota Department of Education
www.education.state.mn.us
651-582-8689
651-582-8201 (TTY)

ELECTRONIC MAIL

If your school district gives parents the choice to receive notices by email, you can choose to receive your prior written notice, procedural safeguards notice, or notices related to a due process complaint via email.

PARENTAL CONSENT

Definition of Consent

Consent means that you have been fully informed of all information relevant to the activity for which your consent is sought, in your native language, or through another mode of communication. In order to consent you must understand and agree in writing to the carrying out of the activity for which your consent is sought. This written consent must list any records that will be released and to whom.

Revocation of Consent

Consent is voluntary and may be revoked in writing at any time. However, revocation of consent is not retroactive; meaning revocation of consent does not negate an action that has occurred after the consent was given and before the consent was revoked.

When the District Must Obtain Your Consent

A. Initial Evaluation

The district must obtain your written and informed consent before conducting its initial evaluation of your child. You or a district can initiate a request for an initial evaluation. If you do not respond to a request for consent or if you refuse to provide consent for an initial evaluation, the district cannot override your refusal to provide consent. An initial evaluation shall be conducted within 30 school days from the date the district receives your permission to conduct the evaluation, unless a conciliation conference or hearing is requested.

A district will not be found in violation of meeting its child find obligation or its obligations to conduct evaluations and reevaluations if you refuse to consent to or fail to respond to a request for consent for an initial evaluation.

If you consent to an initial evaluation, this consent cannot be construed as being consent for the initial provision of special education and related services.

B. Initial Placement and Provision of Special Education Services and Related Services

The district must obtain your written consent before proceeding with the initial placement of your child in a special education program and the initial provision of special education services and related services to your child determined to be a child with a disability.

If you do not respond to a request for consent, or if you refuse to consent to the initial provision of special education and related services to your child, the district may not override your written refusal.

If you refuse to provide consent for the initial provision of special education and related services, or you fail to respond to a request to provide consent for the initial provision of special education and related services, the district will not be considered in violation for failure to provide your child with special education and related services for which the district requested consent.

C. Reevaluations

Your consent is required before a district conducts a reevaluation of your child. If you refuse consent to a reevaluation, the district may not override your written refusal. A reevaluation shall be conducted within 30 school days from the date the district receives your permission to conduct the evaluation or within 30 days from the expiration of the 14 calendar day time period during which you can object to the district's proposed action.

D. Transition Services

Your consent is required before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

When Your Consent is Not Required

Except for an initial evaluation and the initial placement and provision of special education and related services, if you do not notify the district of your objection within 14 days of when the district sends the notice of the district's proposal to you, the district's proposal goes into effect even without your consent.

Additionally, your consent is not required for a district to review existing data in your child's educational file as part of an evaluation or a reevaluation.

Your consent is also not required for the district to administer a test or other evaluation that is given to all children, unless consent is required from parents of all children.

Parent's Right to Object and Right to a Conciliation Conference

You have a right to object to any action the district proposes within 14 calendar days of when the district sends you the prior written notice of their proposal. If you object to the district's proposal, you have the right to request a conciliation conference, mediation, facilitated IEP team meeting or a due process hearing. Within ten calendar days from the date the district receives notice of your objection to its proposal or refusal in the district's

prior written notice, the district will ask you to attend a conciliation conference.

Except as provided under Minnesota Statutes, section 125A.091, all discussions held during a conciliation conference are confidential and are not admissible in a due process hearing. Within five days after the final conciliation conference, the district must prepare and provide to you a conciliation conference memorandum that describes the district's final proposed offer of service. This memorandum is admissible evidence in any subsequent proceeding.

You and the district may also agree to use mediation or a facilitated individualized education program (IEP) team meeting to resolve your disagreement. You or the district can also request a due process hearing (see section about Impartial Due Process Hearings later in this document). The district must continue to provide an appropriate education to your child during the proceedings of a due process hearing.

Confidentiality and Personally Identifiable Information

Personally identifiable information is information that includes, but is not limited to, a student's name, the name of the student's parent or other family members, the address of the student or student's family, a personal identifier, such as the student's Social Security number, student number, or biometric record, another indirect identifier, such as the student's date of birth, place of birth, a mother's maiden name, other information that, alone or in combination, is linked to or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty, or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Districts and MDE must protect the confidentiality of any personally identifiable data, information, and records they collect, maintain, disclose, and destroy.

Generally, your written consent is required before a district may disclose personally identifiable information from your child's educational record with anyone other than officials of participating agencies collecting or using the information under the Individuals with Disabilities Education Act (IDEA) or for any purpose other than meeting a requirement of that law.

When your consent is not required to share personally identifiable information. Your consent, or the consent of an eligible student (age 18 or older), is not required before personally identifiable information contained in education records is released to officials of a school district or the state department of education for meeting IDEA requirements.

Your child's educational records, including disciplinary records, can be transferred without your consent to officials of another school, district, or postsecondary institution if your child seeks to enroll in or attend the school or institution or a school in that district.

Disclosures made without your consent must be authorized under the Family Educational Rights and Privacy Act (FERPA). Please refer to 34 C.F.R. Part 99 for additional information on consent requirements concerning data privacy under federal law.

Directory Information

Directory information can be shared without your consent. This type of information is data contained in an education record of your child that would not generally be considered harmful or an invasion of privacy if disclosed.

Directory information includes, but is not limited to, a student's address, telephone number, email address, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in

official activities and sports, weight and height of athletic team members, degrees, honors, and awards received, the most recent educational agency or institution attended, and a student ID number, user ID, or other unique personal identifier used for accessing or communicating electronically if certain criteria are met. Directory information does not include a student's Social Security number or a student ID number not used in connection with accessing or communicating electronically as provided under federal law.

Districts must give you the option to refuse to let the district designate any or all data about your child as directory information. This notice can be given to you by any means reasonably likely to inform you or an eligible student of this right. If you do not refuse to release the above information as directory information, that information is considered public data and can be shared without your consent.

Data about you (meaning parents) is private data but can be treated as directory information if the same procedures that are used by a district to designate student data as directory information are followed.

WRITTEN ANNUAL NOTICE RELATING TO THIRD PARTY BILLING FOR IEP HEALTH-RELATED SERVICES

Before billing Medical Assistance or MinnesotaCare for health-related services the first time, and each year, the district must inform you in writing that:

1. The district will share data related to your child and health-related services on your child's IEP with the Minnesota Department of Human Services to determine if your child is covered by Medical Assistance or MinnesotaCare and whether those services may be billed to Medical Assistance or MinnesotaCare.
2. Before billing Medical Assistance or MinnesotaCare for health-related services the first time, the district must obtain your consent, including specifying the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided), the purpose of the disclosure, the agency to which the disclosure may be made (i.e., the Department of Human Services) and which specifies that you understand and agree that the school district may access your (or your child's) public benefits or insurance to pay for health-related services.
3. The district will bill Medical Assistance or MinnesotaCare for the health-related services on your child's IEP.
4. The district may not require you to sign up for or enroll in Medical Assistance or MinnesotaCare or other insurance programs in order for your child to receive special education services.
5. The district may not require you to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for health services provided, but may pay the cost that you otherwise would be required to pay.
6. The district may not use your child's benefits under Medical Assistance or MinnesotaCare if that use would: decrease available lifetime coverage or any other insured benefit; result in your family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time your child is in school; increase your premiums or lead to the discontinuation of benefits or insurance; or risk your loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
7. You have the right to receive a copy of education records the district shares with any third party when seeking reimbursement for IEP health-related services.

You have the right to stop your consent for disclosure of your child's education records to a third party, including the Department of Human Services, at any time. If you stop consent, the district may no longer share your child's education records to bill a third party for IEP health-related services. You can withdraw your consent at any time, and your child's IEP services will not change or stop.

INDEPENDENT EDUCATIONAL EVALUATIONS

An independent educational evaluation (IEE) is an evaluation by a qualified person(s) who is not an employee of your district. You may ask for an IEE at school district expense if you disagree with the district's evaluation. A hearing officer may also order an independent educational evaluation of your child at school district expense during a due process hearing.

Upon request for an IEE, the district must give you information regarding its criteria for selection of an independent examiner and information about where an independent education evaluation may be obtained.

If you request an IEE, the district must, without delay, ensure that it is provided at public expense or request a hearing to determine the appropriateness of its evaluation. If the district goes to hearing and the hearing officer determines the district's evaluation is appropriate, you still have the right to an independent evaluation, but not at public expense.

If you obtain an IEE, the results of the evaluation must be considered by the IEP/IIP (Individual Interagency Intervention Plan) Team and may be presented as evidence at a due process hearing regarding your child.

EDUCATION RECORDS

Definition of an Education Record

Under federal law an education record means those records that are directly related to a student and that are maintained by the department or the district.

Your Access to Records

If you want to look at your child's education records, the district must give you access to those records for your review. Education records include most of the information about your child that is held by the school. However, information held solely by your child's teacher for his or her own instructional use may not be included in the education records.

The district must allow you to review the records without unnecessary delay, and before any meeting regarding an IEP, or any hearing or resolution session about your child. In addition, the district must comply with your request to review your child's education records immediately, if possible, or within 10 days of the date of the request (excluding Saturdays, Sundays and legal holidays), if immediate compliance is not possible.

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

1. An explanation or interpretation from the district of your child's records upon request;
2. Have your representative inspect and review the records on your behalf;
3. Request that the district provide copies of your child's educational records to you; and
4. Review your child's records as often as you wish in accordance with state law. State law provides that if you have been shown private data and have been informed of its meaning, that data does not need to be

disclosed to you for a period of 6 months unless a dispute or action is pending or new information is created or collected.

Transfer of Rights

Your rights regarding accessing your child's education records generally transfer to your child at age 18. Notice must be provided to you and your child regarding this transfer of rights.

Records on More Than One Child

If any education record includes information on more than one child, you have the right to inspect and review only information relating to your child. You can seek consent to review and inspect education records that include information about children in addition to your own, but those parents of those children have a right to refuse your request for consent.

List of Types and Locations of Information

Upon your request, the district and the department must provide you with a list of the types and locations of education records they collect, maintain or use.

Record of Access by Others

The district must keep a record of each request for access to, and each disclosure of, personally identifiable information in your child's education records. This record of access must include the name of the individual who made the request or received personally identifiable information from your child's education records, the date access was given and the purpose of the disclosure or the individual's legitimate interest in the information.

Consent to Release Records

Generally, your consent is required before personally identifiable information is released to unauthorized individuals or agencies. The consent must be in writing and must specify the individuals or agencies authorized to receive the information; the nature of the information to be disclosed; the purpose for which the information may be used; and a reasonable expiration date for the authorization to release information. Upon request, the district must provide you with a copy of records it discloses after you have given this consent.

The district may not disclose information contained in your child's IEP/IIIP, including diagnosis and treatment information, to a health plan company without your signed and dated consent.

Fees for Searching, Retrieving and Copying Records

The district may not charge a fee to search or retrieve records. However, if you request copies, the district may charge a reasonable fee for the copies, unless charging that fee would prevent you from exercising your right to inspect and review the education records because you cannot afford to pay it.

Amendment of Records at Parent's Request

If you believe that information in your child's records is inaccurate, misleading, incomplete or in violation of your child's privacy or other rights, you may request in writing that the district amend or remove the information.

The district must decide within a reasonable time whether it will amend the records. If the district decides not to

amend the records, it must inform you that you have the right to a hearing to challenge the district's decision. If, as a result of that hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of your child's privacy right, it must inform you that you have the right to include a statement of your comments and disagreements alongside the challenged information in your child's education records. A hearing to challenge information in education records must be conducted according to the procedures for such hearings under FERPA.

Transfer of Records

Minnesota Statutes require that a district, a charter school, or a nonpublic school transfer a student's educational records, including disciplinary records, from a school a student is transferring from to a school in which a student is enrolling within 10 business days of a request.

Destruction of Records

The district must inform you when personally identifiable information is no longer needed in order to provide education services to your child. That information must be destroyed at your request. However, the school may retain a permanent record of your child's name, address, phone number, grades, attendance records, classes attended, grade level completed and year completed.

Under federal law, destruction means the physical removal of personal identifiers from information so that the information is no longer personally identifiable. Thus, the student's record does not need to be physically destroyed to comply with your request to destroy special education related records. Districts can appropriately comply with this requirement by removing personally identifiable information from the student's records. The choice of destruction method generally lies with the school district.

The district shall not destroy any education records if there is an outstanding request to inspect or review the records.

Despite your request to destroy records a district can keep certain records necessary to comply with the General Education Provision Act (GEPA), which requires that recipients of federal funds keep records related to the use of those funds. You may want to maintain certain special education records about your child for documentation purposes in the future, such as for applying for SSI benefits.

MEDIATION

Mediation is a free, voluntary process to help resolve disputes. You or your district may request free mediation from the Minnesota Department of Education's Special Education Alternative Dispute Resolution program at 651-582-8222 or 1-866-466-7367. Mediation uses a neutral third party trained in dispute resolution techniques. Mediation may not be used to deny or delay your right to a due process hearing. Both you and district staff must agree to try mediation before a mediator can be assigned. At any time during the mediation, you or the district may end the mediation.

If you and the district resolve all or a portion of the dispute or agree to use another procedure to resolve the dispute, the mediator shall ensure that the resolution or agreement is in writing and signed by both you and the district and that both parties receive a copy of the document. The written resolution or agreement shall state that all discussions that occurred during mediation are confidential and may not be used as evidence in any hearing or civil proceeding. The resolution or agreement is legally binding on both you and the district and is enforceable in state or federal district court. You or the district can request another mediation to resolve a dispute over implementing the mediation agreement.

FILING A WRITTEN COMPLAINT

Any organization or individual may file a complaint with the Minnesota Department of Education (MDE). Complaints sent to MDE must:

1. Be in writing and be signed by the individual or organization filing the complaint;
2. Allege violations of state or federal special education law or rule;
3. State the facts upon which the allegation is based;
4. Include the name, address and telephone number of the person or organization making the complaint;
5. Include the name and address of the residence of the child and the name of the school the child is attending;
6. A description of the nature of the child's problem; including facts relating to the problem,;
7. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed; and
8. Be forwarded to the public agency providing services to the child at the same time the complaint is sent to MDE.

The complaint must be sent to:

Minnesota Department Education
Division of Compliance and Assistance
Due Process Supervisor
1500 West Highway 36
Roseville, MN 55113-4266
651.582.8689 Phone
651.582.8725 Fax

The complaint must be received by MDE no later than one year after the alleged violation occurred. MDE will issue a written decision within 60 days, unless exceptional circumstances require a longer time or you or the district agree to extend the time to participate in mediation. The final complaint decision may be appealed to the Minnesota Court of Appeals by you (the parent) or the school district injured-in-fact by the decision within 60 days of receiving notice of the final decision.

MODEL FORMS

MDE has developed model forms that can be used to file special education or due process complaints. These forms are not required, but are available as a resource to use when filing a complaint. These model forms are available MDE's website: MDE > School Support > Compliance and Assistance > Due Process Forms.

IMPARTIAL DUE PROCESS HEARING

Both you and the district have a right to request an impartial due process hearing in writing within two years of the date you or the agency knew or should have known about the alleged action that forms the basis of the due process complaint.

A due process hearing can be requested regarding a proposal or refusal to initiate or change a child's evaluation, IEP, educational placement, or to provide FAPE.

A due process hearing may address any matter related to the identification, evaluation, educational placement, manifestation determination or provision of a free and appropriate public education of your child. Within 15 days of receiving notice of your due process complaint, and prior to the due process hearing, the school district must arrange for a resolution meeting with you and the relevant members of the IEP Team who have knowledge of the facts alleged in the due process complaint.

The purpose of this meeting is for you to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the school district has the opportunity to resolve the dispute that is the basis for the due process complaint.

The resolution meeting need not be held if you and the school district agree in writing to waive the meeting or agree to mediation. A resolution meeting is also not required to be held when the district is the party who requests a due process hearing.

If the matter is not resolved within 30 days of receipt of the due process complaint, the hearing timelines begin.

If the school district is unable to obtain your participation in the resolution meeting or mediation after reasonable efforts have been made and the school district does not agree to waive the meeting in writing, the school district may, at the conclusion of the 30-day period, request that a hearing officer dismiss your due process complaint.

Loss of Right to a Due Process Hearing

NOTE: Due to an interpretation of state law by the 8th Circuit Court of Appeals, if your child changes school districts and you do not request a due process hearing before your child enrolls in a new district, you may lose the right to have a due process hearing about any special education issues that arose in the previous district. You do still have a right to request a due process hearing about special educational issues that may arise in the new district where your child is attending.

Procedures for Initiation of a Due Process Hearing

Upon a written request for a hearing, the district must give you a copy of this procedural safeguard notice and a copy of your rights at hearing. If you or the district request a hearing, the other party must be provided with a copy of the request and submit the request to the department. Once it receives the request, the department must give a copy of the procedural safeguards notice to you. All written requests must include:

1. The name of your child;
2. The address of your child;
3. The name of the school your child is attending;
4. A description of the problem(s), including your view of the facts; and
5. A proposed resolution of the problem to the extent known and available to you at the time.

MDE maintains a list of qualified hearing officers. Upon receipt of a written request for a hearing, MDE will appoint a hearing officer from that list to conduct the hearing. Below are a few of your rights at hearing. This is not a complete list of rights.

Both you and the district have the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
2. Present evidence and confront, cross-examine and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing, including evaluation data and recommendations based on that data; and
4. Receive a free copy of the hearing transcript or electronic recording of findings of fact and decisions.

As a parent, you, specifically, have the right to:

1. Have your child, who is the subject of the hearing, present;
2. Open the hearing to the public; and
3. Have the record or transcript of the hearing and the hearing officer's findings of fact, conclusions of law and decisions made provided to you at no cost.

Responding to the Hearing Request

If you file a hearing request and you did not previously receive a prior written notice from the district about the subject matter of the hearing request, the district must send you a written explanation of why the district refused to take the action raised in the hearing request within 10 days of receiving the hearing request. This explanation must include a description of other options considered by the IEP team, why those options were rejected, a description of each evaluation procedure, assessment, record, or report that the district used as the basis for the proposed or refused action, and a description of the factors relevant to the district's proposal or refusal decision.

The district can assert that the hearing request does not meet the requirements under state law. A hearing request is considered sufficient unless the party who received the request notifies the hearing officer in writing within 15 days of receiving the request that they believe the request does not meet statutory requirements. The hearing officer must determine whether the hearing request meets statutory requirements within 5 days of receiving the request and notify the parties.

Upon receiving your hearing request, the district must also send you a written response that addresses the issues you raised in the hearing request within 10 days of receiving the request.

Disclosure of Additional Evidence Before a Hearing

A prehearing conference must be held within 5 business days of the date the commissioner appoints a hearing officer. This conference can be held in person, at a location within the district, or by telephone. At least 5 business days before a hearing, you and the district must disclose to each other all evaluations of your child completed by that date and recommendations based on those evaluations that are intended to be used at the hearing. A hearing officer may refuse to allow you to introduce any undisclosed evaluations or recommendations at the hearing without consent of the other party.

The Hearing Decision

A hearing decision must be issued and provided to each party within 45 calendar days, or within an

appropriately extended time period, upon the expiration of the 30-day resolution period after the due process complaint was received by the state agency. A hearing officer may extend the time beyond the 45-day period if requested by either party for good cause shown on the record. A hearing officer must conduct oral arguments in a hearing at a time and place that is reasonably convenient to you and your child. A hearing officer's decision on whether your child received FAPE must be based on evidence and arguments that directly relate to FAPE. The hearing decision is final unless you or the district files a civil action. A hearing officer lacks the authority to amend a decision except for clerical and mathematical errors.

Separate Request for Due Process Hearing

You have the right to file a separate due process complaint on an issue separate from a due process complaint already filed.

Free or Low-Cost Legal Resources

The district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information or if you or the school district file a due process complaint. A list of free or low-cost legal resources is also available on [MDE's Special Education Hearings web page](#) (MDE> Select School Support > Compliance and Assistance > Special Education Hearings).

COMPLAINT AND HEARINGS DATABASE

Final decisions on special education complaints and due process hearings are available to the public on the MDE website. MDE maintains a public database called the Complaints, Hearings, and Letters Search Engine. Decisions available in the database are redacted and all personally identifiable information is removed. This database is available on the Compliance and Assistance webpage on the MDE website at: <http://w20.education.state.mn.us/WebsiteContent/ComplianceSearch.jsp>.

CIVIL ACTION

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

PLACEMENT DURING A HEARING OR CIVIL ACTION

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

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

1. Students may be removed from their educational setting for not more than 45 school days to an interim alternative educational placement for certain weapon, drug or serious bodily injury violations; and
2. A hearing officer's decision agreeing with you that a change in placement is appropriate as the "stay-put" placement during subsequent appeals.

EXPEDITED HEARINGS

You (the parent) or the district can request an expedited hearing in the following situations:

1. Whenever you dispute the district's proposal to initiate or change the identification, evaluation or educational placement of your child or the district's provision of FAPE to your child;
2. Whenever you dispute the district's refusal to initiate or change the identification, evaluation or educational placement of your child or the district's provision of FAPE to your child;
3. Whenever you dispute the manifestation determination; and
4. Whenever the district believes that maintaining the current placement of your child is substantially likely to result in injury to the child or to others.

You or a school district may file a written request for an expedited due process hearing as described above.

Timelines for Expedited Hearings

Expedited hearings must be held within 20 school days of the date the hearing request is filed. The hearing officer must issue a decision within 10 school days after the hearing. A resolution meeting must occur within 7 days of receiving the hearing request, unless you and the school district agree in writing to either waive the resolution meeting or use the mediation process. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receiving the request.

Dismissal of Complaint

If the school district is unable to obtain your participation in the resolution meeting or mediation after reasonable efforts have been made and the school district does not agree to waive the meeting in writing, the school district may, at the conclusion of the 30-day period, request that a hearing officer dismiss your due process complaint.

Placement by a Hearing Officer

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

Right to Appeal Decision

You or the district can appeal the decision of a hearing officer in an expedited due process hearing.

INTERIM ALTERNATIVE EDUCATIONAL PLACEMENT

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

1. Carries a dangerous weapon to or possesses a dangerous weapon at school, on school premises, or at a school function under the jurisdiction of the school district or MDE as defined in federal law;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the school district or MDE. This does not include alcohol or tobacco; or
3. Inflicts serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district or MDE as defined in federal law.

On the date the district decides to remove your child and the removal is a change of placement of a child with a disability because of a violation of a code of student conduct, the school district must notify you of that decision, and provide you with the procedural safeguards notice.

The IEP/IIP team determines the interim alternative educational setting and appropriate special education services. Even though this is a temporary change, it must allow your child:

1. To continue to participate in the general education curriculum and progress towards meeting goals set out in your child's IEP, although in a different setting; and
2. Include services and modifications designed to prevent the behavior from recurring.

If your child is placed in an interim alternative educational setting, an IEP/IIP meeting must be convened within 10 school days of the decision. At this meeting, the team must discuss behavior and its relationship to your child's disability. The team must review evaluation information regarding your child's behavior, and determine the appropriateness of your child's IEP/IIP and behavior plan. The team will then determine if your child's conduct was caused by, or had a direct relationship to his or her disability, or if your child's conduct was the direct result of the school district's failure to implement the IEP.

ATTORNEY'S FEES FOR HEARINGS

You may be able to recover attorney fees if you prevail in a due process hearing. A judge may make an award of attorney's fees based on prevailing rates in your community. The court may reduce an award of attorney's fees if it finds that you unreasonably delayed the settlement or decision in the case. If the district prevails and a court agrees that your request for a hearing was for any improper purpose, you may be required to pay the district's attorney's fees.

EXCLUSIONS AND EXPULSION OF PUPILS WITH A DISABILITY

Before your child with a disability can be expelled or excluded from school, a manifestation determination must be held. If your child's misbehavior is related to his or her disability, your child cannot be expelled.

When a child with a disability is excluded or expelled under the Pupil Fair Dismissal Act, Minnesota Statutes Sections 121A.41-56, for misbehavior that is not a manifestation of the child's disability, the district shall continue to provide special education and related services after the period of suspension, if imposed.

DISCIPLINARY REMOVALS

If a child with a disability is removed from his or her current educational placement, this is considered a change of placement if:

1. The removal is for more than 10 school days in a row; or
2. Your child has been subjected to a series of removals that constitute a pattern because:
 - a. The series of removals total more than 10 school days in a year;
 - b. Your child's behavior is substantially similar to your child's behavior in previous incidents that resulted in a series of removals; and
 - c. Of additional factors such as the length of each removals, the total amount of time your child has been removed, and the proximity of the removals to one another.

The determination of whether a pattern of removals constitutes a change of placement is made by the district. If this determination is challenged it is subject to review through due process and judicial proceedings.

CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

If your child has not been determined eligible for special education and related services and violates a code of student conduct, and the school district knew before the discipline violation that your child was a child with a disability then your child can utilize the protections described in this notice.

A district is deemed to have knowledge that your child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. You expressed concern in writing to supervisory or administrative personnel at the district or to your child's teacher that your child is in need of special education and related services;
2. You requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
3. Your child's teacher or other district personnel expressed specific concerns about a pattern of behavior demonstrated by your child directly to the district's director of special education or to other district supervisory staff.

Exceptions to a District's Knowledge

A district would not be deemed to have such knowledge if:

1. You have previously refused consent for an evaluation of your child or you have previously refused special education services; or
2. Your child has already been evaluated and determined to not be a child with a disability under Part B of IDEA.

Conditions that Apply if There is No Basis of Knowledge.

If a district does not have knowledge that your child is a child with a disability prior to taking disciplinary measures against your child, your child may be subjected to similar disciplinary consequences that are applied to children without disabilities who engage in similar behaviors.

If a request is made for an evaluation of your child during the time period in which your child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is complete, your child remains in the educational placement determined by the district, which can include suspension or expulsion without educational services. In Minnesota, regular special education services are provided on the sixth day of a suspension and alternative education services are provided.

REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

A district can report a crime committed by a child with a disability to appropriate authorities and State law enforcement and judicial authorities can exercise their responsibilities under the law related to crimes committed by a child with a disability.

Transmittal of records

If a district reports a crime committed by a child with a disability, the district must ensure that copies of the child's special education and disciplinary records are transmitted to the appropriate authorities to whom the crime is reported for consideration. However, the district may only transmit copies of your child's special education and disciplinary records to the extent permitted by FERPA.

PRIVATE SCHOOL PLACEMENT

IDEA does not require the district to pay for the cost of educating your child, including special education and related services, at a private school if the district made FAPE available to your child and you chose to place your child in a private school. However, you may be able to recover tuition expenses for a private school placement if you informed the district of your intent to enroll your child in a private school at public expense in a timely manner and if a hearing officer finds that the district did not promptly make FAPE available to your child prior to your child being enrolled in the private school and if the private placement is appropriate. You must inform the district of your intent to place your child in a private placement at public expense at the most recent IEP/IIIP meeting prior to removal of your child from public school or by written notice to the district at least 10 business days prior to removal of your child from public school.

Your notice must state why you disagree with the district's proposed IEP/IIIP or placement. If a hearing officer or court finds that the district failed to provide or is unable to provide your child with an appropriate education and that the private placement is appropriate, you may be reimbursed for the cost of the private placement. Failure to tell the school of your intent to enroll your child in a private school at public expense, failure to make your child available for evaluation prior to placing your child in a private school after the district has given you notice of its intent to evaluate your child, or other unreasonable delay on your part could result in a reduction or denial of reimbursement for the private school placement.

A hearing officer cannot reduce or deny the cost of reimbursement if: the district prevented you from being provided with this notice; you did not receive notice of your responsibilities as discussed above in this section; or if compliance with the above requirements would likely result in physical harm to your child and if you failed to provide the required notice because you cannot write in English or if compliance with the above requirements would likely result in serious emotional harm to your child.

Procedural Safeguards Part C

Appendix D.2

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PART C PROCEDURAL SAFEGUARDS NOTICE

INFANT AND TODDLER INTERVENTION

The intent of this document is to offer general information about special education rights provided by state and federal law provided to parents of children from birth through age 2. It explains a selection of some of the rights provided to parents under the Individuals with Disability Education Act (IDEA) and Minnesota laws; however, it is not a complete explanation of those rights. This document does not constitute legal advice, nor is it a substitute for consulting with a licensed attorney regarding your specific legal situation.

INTRODUCTION

This brochure provides an overview of parental special education rights for infant and toddler intervention services, sometimes called procedural safeguards. This Notice of Procedural Safeguards must be given to you when your child is referred under Part C of the IDEA, including when you or the district request a due process hearing. The district must also make available an initial copy of your child's early intervention record, at no cost to you.

PRIOR WRITTEN NOTICE

The school district or a service provider must provide you with prior written notice within a reasonable timeframe before each time it proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, and education placement of your child or the provision of appropriate infant and toddler intervention services to your child and your child's family. This notice must be given to you before any changes are made and must include sufficient detail to inform you of:

1. The action that is being proposed or refused;
2. An explanation of why the district proposes or refuses to take the action; and
3. All procedural safeguards that are available under Part C of the IDEA, including a description of mediation, how to file a state complaint, and a due process complaint in the provisions, and any timelines under those procedures.

The notice must be written in a language understandable to the general public and provided in your native language unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, the public agency, or designated early intervention service provider, must take steps to ensure that the notice is translated orally or by other means to you in your native language or other mode of communication. The provider must also take steps to ensure that you understand the notice; and, that there is written evidence that these requirements have been met.

Native language, when used with respect to an individual who is limited English proficient, means the language normally used by that individual, or in the case of a child, the language normally used by the parents of the child. For evaluations and assessments conducted for the child, native language means the language normally used by the child, if this language is determined developmentally appropriate for the child by the qualified personnel conducting the evaluation or assessment. For an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, native language means the mode of communication that is normally used by the individual, such as sign language, braille, or oral communication.

FOR MORE INFORMATION

If you need help understanding any of your procedural rights or anything about your child's education, please contact your child's early childhood special education coordinator, the school district's special education director or the person listed below. This notice must be provided in your native language or other mode of communication you may be using.

If you have any questions or would like further information, please contact:

Name: _____

Title: _____ (ex. Early childhood coordinator or special ed director)

Phone: _____

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

ARC Minnesota (advocacy for persons with developmental disabilities)

www.thearcofminnesota.org

651-523-0823; 1-800-582-5256

Minnesota Association for Children's Mental Health

www.macmh.org

651-644-7333; 1800-528-4511

Minnesota Disability Law Center

www.mndlc.org

612-332-1441; 1-800-292-4150

612-332-4668 (TTY)

PACER (Parent Advocacy Coalition for Educational Rights)

www.pacer.org

952-838-9000; 1-800-53-PACER

952-838-0190 (TTY)

Minnesota Department of Education

www.education.state.mn.us

651-582-8689

651-582-8201 (TTY)

PARENTAL CONSENT

Definition of Consent

As a parent, you have the right to give consent to any action proposed by the district. Consent means that you have been fully informed, in your native language, of all information relevant to the activity for which your written permission is sought and that you fully understand and agree in writing with carrying out the activity for which consent is sought. The written consent must describe the activity and list any early intervention records that will be released and to whom. Consent is voluntary and may be revoked at any time. However, if you revoke your consent, that revocation is not retroactive.

When the District Must Obtain Your Consent

There are several situations in which the district must obtain your written consent before acting. The district must obtain your written consent before the following:

1. Administering screening procedures that are used to determine whether your child is suspected of having a disability;
2. Conducting all Part C evaluations and assessments of your child;
3. Providing early intervention services to your child;
4. Using public benefits or private insurance to pay for your child's Part C early intervention services in certain situations; and
5. Disclosing personally identifiable information about you or your child.

As a parent, you also have the right to receive written notice of and to provide written consent to the exchange of information among agencies that is consistent with state and federal law.

Parent's Right to Decline Consent

If you do not provide consent, the district must make reasonable efforts to ensure that you are fully aware of the nature of the evaluation and assessment, or the early intervention services that would be available, and that you understand that your child will not be able to receive the evaluation and assessment or receive early intervention services unless you provide consent. The district may not use the due process hearing procedures in Part B or Part C of the IDEA to challenge your refusal to provide any consent that is required. Thus, if you refuse, in writing, to consent to the initial evaluation or reevaluation of your child the district may not override your written refusal.

Parental Right to Decline Services

You can decide whether or not to accept or decline any early intervention service. You can selectively accept or decline any early intervention service, including declining a service after first accepting it, without jeopardizing other early intervention services your child may receive.

Confidentiality and Personally Identifiable Information

Personally identifiable information is information that includes, but is not limited to, your child's name; your name (parent's name) or other family member's name; your address; your child's address; a personal

identifier, such as your child's or your Social Security number; biometric record; another indirect identifier, such as the child's date of birth, place of birth, a mother's maiden name, or a list of personal characteristics; or other information that would make it possible to identify your child with reasonable certainty.

Districts, the Minnesota Department of Education (MDE), and any other early intervention service providers must protect the confidentiality of any personally identifiable data about you and your child, including information and records they collect, use and maintain, disclose and destroy. Generally, a district or other participating agency may not disclose personally identifiable information, as defined in Part C of the IDEA, to any party except participating agencies (including the lead agency and early intervention service providers) that are part of the state's Part C system without parental consent unless authorized to do so under the IDEA or for any purpose other than meeting a requirement of that law. Please refer to the Federal Educational Rights and Privacy Act (FERPA) for additional information on consent requirements concerning data privacy under federal law.

Confidentiality provisions under Part C of the IDEA apply from the point in time when your child is referred for early intervention services until the district is no longer required to maintain or no longer maintains the child's information under applicable state or federal laws, whichever is later.

Notice to Parents about Confidentiality

The district must give you notice when your child is referred under Part C of the IDEA that fully informs you about the confidentiality requirements discussed above. This notice should include a description of your child about whom personally identifiable information is maintained, the types of information about your child requested, the method intended to be used in gathering information, including the sources from whom information is gathered, and how the information about your child will be used. This notice must also include a summary of the policies and procedures that the district and providing agencies must follow regarding storage of data about you and your child, disclosure of this data to third parties, and retention and destruction of personally identifiable information. Additionally, this notice must include a description of all of your rights and your child's rights regarding this information, including rights under the Part C confidentiality provisions. Lastly, this notice must include a description of the extent that the notice is provided in the native languages of the various population groups in the state.

INDIVIDUAL FAMILY SERVICE PLANS (IFSP)

If your child is under age three and has a disability, you and your child have a right to receive an IFSP. An IFSP is a written plan that is developed by a team to record your goals for your family and your child. An IFSP also lists the services that will best help you and your child reach those goals and describe when, where, and how services will be delivered. You and other family members work with the early intervention service coordinator and other providers (if appropriate) to create the IFSP. You may invite anyone you wish to the IFSP meetings, including an advocate. The IFSP is reviewed at least every six months, or more frequently if requested. You are involved in planning the time, date and place of these meetings to ensure your participation. You may request a meeting to review your child's IFSP at any time, even if one recently took place. A district must provide you with a copy of each of your child's evaluations, assessments, family assessments, and IFSPs as soon as possible after each IFSP meeting at no cost to you.

THE RIGHT TO RECEIVE SERVICES IN NATURAL ENVIRONMENTS

Early intervention services for infants and toddlers with disabilities are focused around your family's and your child's daily routines and are designed to be carried out within regular activities. These services are provided, to the maximum extent appropriate, in natural environments. This helps you and/or your child's other caregivers learn strategies for teaching your child new skills that may be practiced throughout the day. When a service needs to be provided anywhere other than a natural environment, the IFSP team must provide written justification in the IFSP.

WRITTEN ANNUAL NOTICE RELATING TO THIRD-PARTY BILLING FOR IFSP (INDIVIDUAL FAMILY SERVICE PLAN) HEALTH-RELATED SERVICES

The school district must obtain your consent before your (or your child's) public benefits or insurance or private insurance information is used to pay for Part C services, if such consent is required.

The district must provide you annual written notice that:

1. Parental consent must be obtained under Part C of the IDEA before the state lead agency or Early Intervention Service Provider discloses personal information for billing purposes;
2. A statement of the no-cost protection provisions in Part C of the IDEA. If you do not provide consent, Part C services must still be made available to you and your child through the IFSP for which you have provided consent;
3. The district will bill medical assistance or Minnesota Care for the health-related services on your child's IFSP;
4. You have the right to receive a copy of education records the district shares with any third party when seeking reimbursement for health-related services on your child's IFSP; and
5. You have a right to withdraw your consent to disclose your child's education records to a third party at any time. If you withdraw consent, the district may no longer share your child's education records to bill a third party for IFSP health-related services. You can withdraw your consent at any time, and your child's IFSP services will not change or stop.

EDUCATION RECORDS

Your Access to Records

You have the right to inspect and review all Part C early intervention records about your child and your child's family that are collected, maintained or used under Part C of the IDEA, including records related to evaluations and assessments, screening, eligibility determinations, development and implementation of IFSPs, provision of early intervention services, individual complaints involving your child, or any part of your child's early intervention record. Upon request, the district must give you access to your child's early intervention records without unnecessary delay and before any meeting regarding an IFSP or any due process hearing. The district must respond to your request immediately, if possible, or within 10 days of the request (excluding weekends and legal holidays).

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

1. A response from the participating district to reasonable requests for explanations or interpretations of your child's record;
2. Request that the participating district provide copies of your child's early intervention records to you if failure to provide these copies would effectively prevent you from exercising your right to inspect and review the records;
3. Have your representative inspect and review the early intervention records; and
4. Review your child's records as often as you wish, in accordance with state law. State law provides that if you have been shown private data and have been informed of its meaning, that data does not need to be disclosed to you for a period of six months unless a dispute or action is pending or new information is created or collected.

A district may presume that you have the authority to inspect and review records relating to your child unless the district has been provided documentation that you do not have the authority under applicable state laws governing such matters as custody, foster care, guardianship, separation, and divorce.

Under Minnesota state law, education records include most of the information about your child that is held by the school, including evaluations and assessments, eligibility determinations, development and implementation of IFSPs, individual complaints dealing with your child, and any other records about your child and family. However, information held solely by your child's teacher for his or her own instructional use may not be included in the education records.

Disclosure to Health Plan Company

The district may not disclose information contained in your child's IFSP, including diagnosis and treatment information, to a health plan company without your signed consent.

Records on More Than One Child

If any education record includes information on more than one child, you only have the right to inspect and review information relating to your child. You can seek consent to review and inspect education records that include information about children in addition to your own, but the parents of those children have a right to refuse your request for consent.

Record of Access by Others

The district must keep a record of each request for access and who obtains access to early intervention records collected, maintained, or used under Part C about you and your child. Access to these records by you and authorized representatives and employees of the district do not need to be recorded. This record of access must include the name of the individual to whom access was given, and the purpose for which the individual was authorized to use the early intervention records.

List of Types and Locations of Information

Upon your request, the district and MDE must provide you with a list of the types and locations of education records they collect, maintain or use.

Consent to Release Records

Generally, your consent is required before personally identifiable information is released to unauthorized individuals or agencies. The consent must be in writing and must specify the individuals or agencies authorized to receive the information; the nature of the information to be disclosed; the purpose for which the information may be used; and a reasonable expiration date for the authorization to release information. Upon request, the district must provide you with a copy of records it discloses.

Fees for Searching, Retrieving and Copying Records

The district may not charge a fee to search or retrieve records. However, if you request copies, the district may charge a reasonable fee for the copies, unless charging that fee would prevent you from exercising your right to inspect and review the education records because you cannot afford to pay it. A district must provide you with a copy of each of your child's evaluations, assessments, family assessments, and IFSPs as soon as possible after each IFSP meeting at no cost to you.

Amendment of Records at Parent's Request

If you believe that information in your child's early intervention records is inaccurate, misleading, incomplete, or in violation of your child's privacy or other rights or your rights as a parent, you may request that the district amend the record or remove the information.

The district must decide within a reasonable time whether it will amend the records. If the district decides not to amend the records, it must inform you of its refusal to amend the records and inform you that you have the right to a hearing to challenge the district's decision.

Opportunity for a Hearing

Upon your request, the district must provide you with the opportunity for a hearing to challenge information in your child's early intervention records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of you or your child. You may request a hearing under the procedures set out under Part C of the IDEA or you may request a hearing under Minnesota's due process hearing procedures.

If as a result of the hearing the district decides that the information is inaccurate, misleading or in violation of the privacy or other rights of you or your child, it must amend the information accordingly and inform you in writing.

If, as a result of that hearing, the district decides that the information in your child's early intervention record is not inaccurate, misleading, or otherwise in violation of the privacy rights or other rights of you or your child, it must inform you that you have the right to include a statement of your comments and disagreements alongside the challenged information in your child's early intervention education records. Any explanation placed alongside your child's early intervention education records must be kept by the district as part of your child's early intervention records as long as your child's records are maintained by the district. If your child's early intervention records or the contested portion of your child's records are disclosed by the district to any party, the explanation you submitted must also be disclosed to the party.

Transfer of Records

Minnesota Statutes require that a district, a charter school, or a nonpublic school transfer a student's educational records, including disciplinary records, from a school a student is transferring from to a school in which a student is enrolling within 10 business days of a request.

Destruction of Records

The district must inform you when personally identifiable information collected, maintained, or used by the district is no longer needed in order to provide early intervention services to your child. You have the right to request that education records about the provision of early intervention services to your child under Part C of the IDEA be destroyed upon your request. This information must be destroyed by the district upon receiving your request. However, the district may retain a permanent record of your child's name, date of birth, parent contact information (including address and phone number), names of service coordinators and early intervention service providers, and exit data (including year and age upon exit, and any programs your child entered upon exiting Part C).

Under federal law, destruction means the physical destruction of the record or the removal of personal identifiers from information ensuring that the information is no longer personally identifiable. Thus, your

child's record does not need to be physically destroyed to comply with your request to destroy special education related records. Districts can appropriately comply with this requirement by removing personally identifiable information from your child's records. The choice of destruction method is generally up to the school district.

Despite your request to destroy records, a district can keep certain records necessary to comply with the General Education Provision Act (GEPA), which requires that recipients of federal funds keep records related to the use of those funds. You may want to maintain certain special education records about your child for documentation purposes in the future, such as for applying for Supplemental Security Income (SSI) benefits.

The district shall not destroy any education records if there is an outstanding request to inspect or review the records.

CHILD'S RIGHT TO A SURROGATE PARENT

A child with a disability whose parent cannot be identified or located by the district using reasonable efforts, or who is a ward of the state, has the right to have a surrogate parent assigned to them.

The appropriate public agency must determine whether a child needs a surrogate parent and assign a surrogate to the child. In appointing a surrogate parent for a child, the public agency must consult with the agency that has been assigned to care for the child. The public agency must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

A surrogate parent may be selected in any way permitted under state law. The appropriate public agency must ensure that the person selected as a surrogate parent is not an employee of any state agency or early intervention service provider that provides services or care to the child or any family member of the child; has no personal or professional interest that conflicts with the interests of the child he or she represents; and has knowledge and skills necessary for adequate representation of the child. In the case of a child who is a ward of the state, the surrogate parent can be appointed by the judge overseeing the child's case, as long as the surrogate parent appointed satisfies the above-mentioned requirements. An individual who qualifies to be a surrogate parent is not an employee of the public agency solely because he or she is paid by the agency to serve as a surrogate parent.

A surrogate parent has the same rights as a parent for all purposes under the Part C regulations. Thus, a surrogate parent may represent a child in all matters related to the evaluation and assessment of the child, development, and implementation of the child's IFSP, including annual evaluations and periodic reviews, the ongoing provision of early intervention services, and any other rights available to the child under the Part C regulations.

ALTERNATIVE RESOLUTION OF DISPUTES

Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to your child through conciliation, mediation, facilitated IFSP team meetings, or through other alternative processes. All alternative dispute resolution options are voluntary on your part and cannot be used to deny or delay your right to a due process hearing. All alternative dispute resolution processes are provided at no cost to you.

MEDIATION

Mediation is a free, voluntary process to help resolve disputes. The state bears the cost of the mediation process.

You or your district may request mediation from MDE at 651-582-8222 or 1- 866-466-7367. Mediation is conducted by a qualified and impartial mediator (a third party) trained in effective mediation techniques. The state maintains a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators are selected by the state on a rotational and geographic basis.

Mediation may not be used to deny or delay your right to a due process hearing or any other rights under Part C of the IDEA. Both you and district staff must agree to try mediation before a mediator can be assigned. At any time during the mediation, you or the district may end the mediation. Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient for both you and the district. You and the district must complete the mediation process within 30 calendar days of the date MDE receives a written request for mediation, signed by both parties.

If you and the district reach an agreement to the dispute during the mediation process, the agreement must be set forth in writing. The agreement must also be signed by both you (the parent) and a representative of the district who has the authority to bind the district. Parties to the mediation will receive a copy of the agreement. Discussions held during the mediation process are confidential and cannot be used as evidence in any subsequent due process hearing or civil proceeding.

Resolution of a dispute through mediation, or other form of alternative dispute resolution, is not limited to formal disputes arising from your objection and is not limited to the period following a request for a due process hearing. You may request mediation at any time to resolve a dispute arising under Part C of the IDEA, including matters arising prior to the filing of a due process complaint, regardless of whether a special education complaint has been filed or a request for a due process hearing has been made.

The local primary agency may request mediation on behalf of the involved agencies when disputes arise between agencies regarding responsibilities to coordinate, provide, pay for, or facilitate payment for infant and toddler early intervention services. You or the district can request another mediation to resolve a dispute over implementing the mediation agreement.

An individual who serves as a mediator may not be an employee of the state, the district, or a provider that is involved in the provision of early intervention services or other services to your child under Part C of the IDEA. A mediator cannot have a personal or professional interest that conflicts with their objectivity. A mediator is not considered an employee of the state, the district, or a provider of early intervention services solely because he or she is paid by the agency to serve as a mediator.

For more information about mediation, please contact MDE's mediation coordinator at 651-582-8222.

FILING A WRITTEN COMPLAINT

You or the district may file a complaint with MDE. Complaints sent to MDE must:

1. Be in writing and be signed by the individual or organization filing the complaint;
2. Include a statement alleging violations of state or federal special education law or rule related to Part C of the IDEA;
3. State the facts upon which the allegation is based;
4. Include the signature and contact information for the complainant;
5. Include the name and residence of your child, the name of the early intervention service provider, a description of the nature of your child's problem, including facts related to the problem, and a

proposed resolution of the problem to the extent known and available to you at the time the complaint is filed, if the alleged violation is related to your specific child; and

6. Allege a violation that occurred not more than **one year** prior to the date that the complaint is received.

The complaint must be sent to:

Minnesota Department Education Division of
Compliance and Monitoring Due Process Supervisor
1500 West Highway 36
Roseville, MN 55113-4266
Phone: 651.582.8689
Fax: 651.582.8725

The party filing the complaint, either you or the district, must send a copy of the complaint to the district or early intervention service provider at the same time you or the district files with MDE.

MDE will complete its investigation and issue a written decision within 60 calendar days, unless exceptional circumstances require a longer time or if you and the district agree to extend the timeframe to engage in mediation. You (the parent) or the school district injured-in-fact by the decision may appeal the final complaint decision within 60 days of receiving notice of the final decision.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues of which one or more are part of that hearing, the part of the complaint that is being addressed in the due process hearing must be set aside until the conclusion of the hearing.

If an issue is raised in a complaint filed under Part C of the IDEA that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding and the complainant must be informed of this by MDE. Please see the section below for more information about due process hearings.

MODEL FORMS

MDE has developed model forms that can be used to file special education or due process complaints. These forms are not required, but are available as a resource to use when filing a complaint. These model forms are available on MDE's website at: www.education.state.mn.us

> Select School Support > Special Education Programs > Compliance and Monitoring > Due Process Forms.

IMPARTIAL DUE PROCESS HEARING

For due process hearing procedures for children covered under Part C of the IDEA, Minnesota has chosen to adopt the Part B due process hearing procedures set out in the IDEA.

Requesting a Due Process Hearing

You, the district, or a provider of early intervention services may file a due process hearing request with MDE on any matter relating to the identification, evaluation, or placement of your child, or the provision of early intervention services to your child and your family under Part C of the IDEA. Specifically, a due process hearing can be requested regarding a proposal or refusal to initiate or change your child's evaluation, IFSP, educational placement, or to provide FAPE. The due process hearing request must be in writing and must allege a violation of the IDEA that occurred not more than **two years** before the date that you or the early intervention

service provider knew, or should have known, about the alleged action that forms the basis of the due process complaint.

This two-year timeline does not apply if you were prevented from filing a due process complaint because the district or an early intervention service provider misrepresented that it had resolved the problem forming the basis of your due process complaint or the district or early intervention service provider failed to provide you with information that was required under the IDEA.

If you request it or if you or the district file a due process complaint, MDE must inform you of any free or low-cost legal and other relevant services available in your area.

An impartial hearing officer will be assigned to your case. MDE maintains a list of individuals who serve as impartial hearing officers. You may not raise issues in a due process hearing that were not raised in the written complaint.

Within 15 days of receiving notice of your due process complaint, and prior to the due process hearing, the school district must arrange for a resolution meeting with you and the relevant members of your child's IFSP Team who have knowledge of the facts alleged in the due process complaint. If the resolution meeting is not held within 15 days of receiving notice of your due process complaint, you may seek the intervention of a hearing officer to begin the due process hearing timeline.

This resolution meeting must include a representative of the district who has decision-making authority and may **NOT** include an attorney for the district unless an attorney accompanies you. You and the district determine the relevant members of the IFSP team to attend the resolution meeting. The purpose of this meeting is for you to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the school district has the opportunity to resolve the dispute that is the basis for the due process complaint.

The resolution meeting does not need to be held if you and the school district agree in writing to waive the meeting or agree to mediation. If you do not participate in the resolution meeting, your actions will delay the timelines for the resolution process and a due process hearing until the meeting is held.

Resolution Period

If the matter is not resolved within 30 days of receipt of your due process complaint, the hearing timelines begin and a due process hearing may occur. If the school district is unable to obtain your participation in the resolution meeting or mediation after reasonable efforts have been made, and the district has documented its efforts to obtain your participation, and the school district does not agree to waive the resolution meeting or to use mediation, the school district may, at the conclusion of the 30-day period, request that a hearing officer dismiss your due process complaint.

Hearing Timeline

The 30-day hearing timeline starts the day after one of the following events:

1. You and the district agree in writing to waive the resolution meeting;
2. After either mediation or the resolution meeting starts, but before the end of the 30-day period, you and the district both agree in writing that no agreement is possible; or
3. You and the district agree to continue the mediation at the end of the 30-day resolution period, but later, you or the district withdraws from the mediation process.

Settlement Agreement

If you and the district reach a resolution at the resolution meeting, you and the district must execute a legally binding agreement that is signed by both you and a representative of the district that has the authority to bind the district; the agreement is enforceable in any state or district court. You or the district may void such an agreement within three days of the agreement's execution.

Loss of Right to a Due Process Hearing

NOTE: Due to an interpretation of state law by the Eighth Circuit Court of Appeals, if your child changes school districts and you do not request a due process hearing before your child enrolls in a new district, you may lose the right to have a due process hearing about any special education issues that arose in the previous district. You do still have a right to request a due process hearing about special educational issues that may arise in the new district where your child is enrolled.

Procedures for Initiation of a Due Process Hearing

If you wish to have a hearing, you or your attorney must properly request a due process hearing in writing. All written requests for a due process hearing must include:

1. The name and address of your child;
2. The name of the early intervention service provider serving your child;
3. A description of the nature of the problem, including your view of the facts; and
4. A proposed resolution of the problem to the extent known and available to you at the time of your request for a due process hearing.

Upon receiving a written request for a hearing from you or the district, MDE must give you a copy of the procedural safeguard notice, which includes a description of your rights at a due process hearing. If you or the district request a hearing, the other party must be provided with a copy of the request and submit a copy of the request to MDE.

If you file a hearing request and you did not previously receive a prior written notice from the district about the subject matter of the hearing request, the district must send you a written explanation of why the district proposed or refused to take the action raised in the hearing request within 10 days of receiving the hearing request. This explanation must include a description of other options considered by the IFSP team; why those options were rejected; a description of each evaluation procedure; assessment, record, or report that the district or early intervention service provider used as the basis for the proposed or refused action; and a description of the factors relevant to the district's proposal or refusal decision.

Upon receiving your hearing request, the district must also send you a written response that specifically addresses the issues you raised in the hearing request within 10 days of receiving the request.

The district or early intervention service provider can assert that your hearing request does not meet the requirements under state law. A hearing request is considered sufficient unless the party who received the request notifies the hearing officer and the other party in writing within 15 days of receiving the request that they believe the request does not meet statutory requirements. The hearing officer must determine whether the hearing request meets statutory requirements within five days of receiving the request and immediately notify the parties in writing of that determination.

MDE maintains a list of qualified hearing officers. Upon receipt of a written request for a hearing, MDE will appoint a hearing officer from that list to conduct the hearing. Below are a few of your rights at hearing. This is not a complete list of rights.

Both you and the district have the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for infants and toddlers with disabilities;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing, including evaluation data and recommendations based on that data that are intended to be used at the hearing; and
4. Receive a written or electronic, verbatim record of the hearing transcript and/or the findings of fact and decisions.

As the parent, you have the right to:

1. Decide whether or not to have your child will be present at the due process hearing. Infants and toddlers do not need to be present at due process hearings, however, you, as the parent, can decide whether or not your infant or toddler will attend the due process hearing;
2. Open the hearing to the public; and
3. Receive a copy of the record or transcript of the hearing and the hearing officer's findings of fact, conclusions of law and decisions made at no cost.

Amending a Request for a Due Process Hearing

You or the district may amend your request for a due process hearing only if the other party consents in writing to the amendment and is given an opportunity to resolve the due process complaint through a resolution meeting or if the hearing officer grants permission. The hearing officer may only grant permission not later than five days before the due process hearing begins.

If you or the district files an amended request for a due process hearing, the timelines for the resolution meeting and the resolution period begin again with the filing of the amended request.

Disclosure of Additional Evidence before a Hearing and Prehearing Conference

A prehearing conference must be held within five business days of the date the commissioner appoints a hearing officer. The hearing officer must initiate the prehearing conference. This conference can be held in person, at a location within the district, or by telephone. The hearing officer must create a verbatim record of the prehearing conference, which is available to you or the district upon request. At the prehearing conference, the hearing officer must accomplish the following: identify the questions that must be answered to resolve the dispute and elimination claims and complaints that are without merit; set a scheduling order for the hearing and additional prehearing activities; determine if the hearing can be disposed of without an evidentiary hearing and, if so; establish the management, control, and location of the hearing to ensure its fair, efficient, and effective disposition.

At least five business days before a hearing, you and the district must disclose to each other all evaluations of your child completed by that date and recommendations based on those evaluations that are intended to be used at the hearing. A hearing officer may refuse to allow you to introduce any undisclosed evaluations or recommendations at the hearing without consent of the other party.

The Hearing Decision

The hearing officer must reach a final decision in the due process hearing and give a copy of the decision to each party not later than 45 days after the 30-day period or within the adjusted time periods. The hearing officer is encouraged to accelerate the timeline to 30 days for a child under the age of three whose needs change rapidly and who requires quick resolution of a dispute. The hearing decision timeline may be extended if the hearing officer determines that good cause exists. The hearing officer must conduct oral arguments in a hearing at a time and place that is reasonably convenient to you and your child. The hearing officer's decision whether an infant or toddler was appropriately identified, evaluated, or placed, or whether the infant or toddler with a disability and the family were appropriately provided early intervention services under Part C of the IDEA, must be based on substantive grounds. The hearing decision is final unless you or the district files a civil action. A hearing officer does not have the authority to amend a decision except for clerical and mathematical errors.

Separate Request for Due Process Hearing

You have the right to file a separate due process complaint on an issue separate from a due process complaint already filed.

COMPLAINTS AND HEARINGS DATABASE

Final decisions on special education complaints and due process hearings are available to the public on the MDE website. MDE maintains a public database called the Complaints, Hearings and Letters Search Engine. Decisions available in the database are redacted and all personally identifiable information is removed. This database is available on the Compliance and Monitoring webpage on the MDE website at: www.education.state.mn.us/MDE/SchSup/SpecEdComp/ComplMonitor/index.html.

CIVIL ACTION

When you or the district disagrees with the findings or decisions made by a hearing officer, either party may file a court action and appeal the decision. The action may be brought in federal district court or the state court of appeals. Different standards of review apply in each court. An appeal to the state court of appeals must be made within 60 calendar days of your receipt of the decision. An appeal to federal district court must be made within 90 days of the date of the decision. If you file an appeal, an impartial review of the findings and decision appealed will be made.

PLACEMENT DURING A HEARING OR CIVIL ACTION

During a hearing or court action, unless you and the district agree otherwise, your child must continue to receive the appropriate early intervention services in the setting identified and that you consented to in the IFSP. If the complaint involves an application for initial services under Part C of the IDEA, your child must continue to receive those services that are not in dispute.

EXPEDITED DUE PROCESS HEARINGS

You or a school district may file a written request for an expedited due process hearing. Expedited hearings must be held within 20 school days of the date the hearing request is filed. The hearing officer must issue a decision within 10 school days after the hearing. A resolution meeting must occur within seven days of receiving the hearing request, unless you and the school district agree in writing to either waive the resolution meeting or use the mediation process. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receiving the request.

HVED

Community Transition Interagency Committee (CTIC) and Region 10 CTIC Operating Procedures and By-Laws

Appendix E

HVED TSES

Appendix E. HVED CTIC Operating Procedures

Region 10 Community Transition Interagency Committee (CTIC)

Mission Statement

Minnesota will be a place where people with disabilities are living, learning, working and enjoying life in the most integrated setting.

Purpose Of The Committee

Region 10 Community Transition Interagency Committee (CTIC) will develop and ensure the implementation of interagency policies and procedures so that eligible students and their families are identified and have access to appropriate services and supports.

Glossary Of Terms:

- CTIC– Community Transition Interagency Committee
- Regional CTIC – Region 10 CTIC
- SEAU – Special Education Administrative Unit
- RLIP – Regional Low Incidence Projects
- RLIF - Regional Low Incidence Facilitator
- CTE - Career and Technical Education

Requirements Of The Committee

Statutory Requirements:

125A.22 COMMUNITY TRANSITION INTERAGENCY COMMITTEE.

- A district, group of districts, or special education cooperative, in cooperation with the county or counties in which the district or cooperative is located, may establish a community transition interagency committee for youth with disabilities, beginning at grade 9 or age equivalent, and their families. Members of the committee may include representatives from special education, vocational and regular education, community education, postsecondary education and training institutions, mental health, adults with disabilities who have received transition services if such persons are available, parents of youth with disabilities, local business or industry, rehabilitation services, county social services, health agencies, and additional public or private adult service providers as appropriate. The committee may:
 1. identify current services, programs, and funding sources provided within the community for secondary and postsecondary aged youth with disabilities and their families that prepare them for further education; employment, including integrated competitive employment; and independent living;
 2. facilitate the development of multi agency teams to address present and future transition needs of individual students on their individualized education programs;

3. develop a community plan to include mission, goals, and objectives, and an implementation plan to assure that transition needs of individuals with disabilities are met;
4. recommend changes or improvements in the community system of transition services; and
5. exchange agency information such as appropriate data, effectiveness studies, special projects, exemplary programs, and creative funding of programs.

Relationships/ Alignment / Priorities

Lead Agency and State Partners

- Minnesota Department of Education (MDE)
- Minnesota Department of Employment and Economic Development (DEED)
- Minnesota Vocation and Rehabilitation Services (VRS)
- Minnesota Workforce Development Inc. (WDI)
- Minnesota Department of Health (MDH)
- Minnesota Olmstead Plan
- Workforce Innovation and Opportunity Act

Local Agencies

- Region 10 Low Incidence Projects and Member Districts
 - ALBERT LEA AREA SCHOOLS
 - AUSTIN PUBLIC SCHOOLS
 - AUSTIN ALBERT LEA AREA SPECIAL EDUCATION COOPERATIVE
 - CANNON VALLEY SPECIAL EDUCATION COOPERATIVE
 - FARIBAULT PUBLIC SCHOOLS
 - FILLMORE CENTRAL PUBLIC SCHOOLS
 - GOODHUE COUNTY EDUCATION DISTRICT
 - HIAWATHA VALLEY EDUCATION DISTRICT
 - MEDFORD PUBLIC SCHOOLS
 - MINNESOTA STATE ACADEMY
 - NORTHFIELD PUBLIC SCHOOLS
 - OWATONNA PUBLIC SCHOOLS
 - ROCHESTER PUBLIC SCHOOLS
 - SOUTHERN MINNESOTA EDUCATION CONSORTIUM
 - WINONA AREA PUBLIC SCHOOLS
 - ZUMBRO EDUCATION DISTRICT
- County Social Services in all 11 counties in Region 10
 - Olmsted
 - Dodge
 - Steele
 - Freeborn
 - Rice
 - Goodhue
 - Winona
 - Wabasha
 - Houston
 - Fillmore
 - Mower
- Community Based Service Providers
- MaxAbility Southern Minnesota Disability Employment Network

Operational Considerations

- Fiscal Host: The fiscal host for the Region 10 CTIC is the Zumbro Education District.
- Maintenance Of Documents: The Region 10 Low Incidence Projects will maintain CTIC documents. Examples of documents include Operating Procedures, Work Plan, meeting minutes, fiscal host, membership rosters, meeting sign-in sheets, and other documents as identified.
- Website Posting: Minutes, agendas, etc. will be on <http://region10projects.org>.
- Process to change Operating Procedures:
 - Changes proposed at one meeting will be voted on at the meeting or within two weeks electronically. If electronic voting is needed, proper documentation explaining the proposed change will be sent with the request for electronic vote.

Demographics

- Geographic Area Served:
 - Region 10 Low Incidence Projects covers 11 counties
 - 6,770 square miles
 - Population of 497,763
 - Serving approximately 82,400 students.
 - Serving approximately 12,300 special education students.
 - Serving approximately 550 Birth – 2 students
- Counties Served:
 - Dodge
 - Goodhue
 - Houston
 - Olmsted
 - Fillmore
 - Freeborn
 - Wabasha
 - Winona
 - Rice
 - Mower
 - Steele
- Head Start Programs Served:
 - Tri Valley Migrant Head Start, Families First of Minnesota, Head Start- Freeborn & Olmsted Fillmore Head Start, Three Rivers, & SEMCAC
- Reservation Served:
 - Prairie Island Reservation
- School Districts Served:
 - 44 School Districts
 - 6 Non-Public Schools
 - 11 Charter Schools
 - 1 Online Charter
 - 3 Cooperatives
 - 3 Education Districts
 - 1 Consortium

Membership

- Terms Of Membership: Membership is at will and reviewed annually at the Spring CTIC meeting.
- Membership Representation may include:
 - Region 10 Low Incidence Facilitator
 - Special Educator Director

- Special Education Teacher
- Vocational Education / Career and Technical Education
- Regular Education
- Community Education
- Postsecondary education and training institutions
- Mental health providers
- Adults with disabilities who have received transition services (if available)
- Parents
- Local business or industry
- MN Vocational Rehabilitation Services
- County Social Services
- MN Department of Health
- Additional Representative Membership:
 - Private Agencies
 - Public Agencies
 - School Nurses
 - Other Members
- A membership list is available upon request by the RLIF.

Meetings

- Meetings are open and available to the public to participate.
- Quarterly meetings will be held.
 - 1st Q: Summer July-September
 - 2nd Q: Fall October-December
 - 3rd Q: Winter January-March
 - 4th Q: Spring April-June
- Meeting Notification: Notices, agendas, and supporting documents will be sent out electronically (unless requested otherwise) prior to the meetings.
- Decision-Making Process/Voting: Decisions are determined by consensus whenever possible or by a vote of a simple majority of those in attendance.
- Distribution Of Meeting Minutes To Other Stakeholders, Interested Parties: Minutes will be distributed to parties and posted on the website at <http://region10projects.org>.
- Electronic Participation: It may be acceptable to attend/vote by contacting the Chair.

Adopted: December 7, 2017

**Region 10
Interagency
Early
Intervention
Committee
(IEIC)
Operating
Procedures and
By-Laws**

Appendix F

HVED TSES

Appendix F

Region 10 IEIC Operating Procedures and By-Laws

Region 10 Interagency Early Intervention Committee (IEIC)

Mission Statement

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

Purpose Of The Committee

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

Glossary Of Terms:

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

Requirements Of The Committee

Statutory Requirements:

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

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

identify, and refer infants and young children with, or at risk of, disabilities, including a child under the age of three who:

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

Relationships/ Alignment / Priorities

- Lead Agency and State Partners:
- Minnesota Department of Education is the lead agency for Part C Early Intervention services, with Minnesota Department of Health and Department of Human Services participating as state partners, in delivering a comprehensive and coordinated interagency system. State agency staff may attend and participate in the Region 10 IEIC as ex officio members.
- Governor’s Interagency Coordinating Council (ICC):
- The Region 10 designee will attend the ICC meetings and report the business of the Regional IEIC to the ICC in the role of a guest.
- Special Education Administrative Units (SEAU):
- The Region 10 IEIC will collaborate with SEAUs to examine and distinguish local vs. regional priorities. Funding priorities will be established to help guide the funding decisions at the SEAU.
- Other local agencies:
- Linkages to local entities (community-based service providers) should be maintained. SEAUs and local agencies will collaborate to maintain established relationships.

- Centers of Excellence for Young Children with Disabilities Project (COE):
- The Region 10 IEIC will collaborate with the COE to ensure that ongoing training needs are met. The COE will participate in assessing district/local agency needs for training.

Operational Considerations

- Fiscal Host: The fiscal host for the Region 10 IEIC is the Zumbro Education District.
- *The agency designated as the fiscal host must be an eligible recipient of federal special education funds and agrees to expend these federal funds consistent with the approved budget and in accordance with the “Statement of Assurances” as signed by the district special education director and superintendent.*
- Local Primary Agency (LPA): The local primary agency for the region 10 IEIC is the Zumbro Education District.
- *The LPA will perform duties consistent with Minnesota Statutes, section 125A.31 including: providing oversight of funds received through the annual fund request and providing oversight for data collection efforts.*
- Maintenance Of Documents: The Local Primary Agency will maintain IEIC documents. Examples of documents include Operating Procedures, Work Plan, meeting minutes, fiscal host, membership rosters, meeting sign-in sheets, and other documents as identified.
- Website Posting: Minutes, agendas, etc. will be on <http://region10projects.org>.
- Process to change Operating Procedures:
 - Changes proposed at one meeting will be voted on at the meeting or within two weeks electronically providing electronic quorum has been met (see description of a quorum). If electronic voting is needed, proper documentation explaining the proposed change will be sent with the request for electronic vote. Within 30 days of the date the proposed change is received, it shall be submitted in writing to the IEIC Chair, who will then distribute the request to the Regional IEIC membership (as defined below). The membership shall have received the proposed amendment or amendments at least 14 days prior to the meeting.

Demographics

- Geographic Area Served:
 - Region 10 Low Incidence Projects covers 11 counties
 - 6,770 square miles
 - Population of 460,102.
 - Serving approximately 80,600 students.
 - Serving approximately 10,300 special education students.
 - Serving approximately 4,000 Birth – 2 students
- Counties Served:
 - Dodge
 - Goodhue
 - Houston
 - Olmsted
 - Fillmore
 - Freeborn
 - Wabasha
 - Winona
 - Rice
 - Mower
 - Steele
- Head Start Programs Served:
 - Tri Valley Migrant Head Start, Families First of Minnesota, Head Start- Freeborn & Olmsted, Three Rivers, & SEMCAC
- Reservation Served:
 - Prairie Island Reservation
- School Districts Served:
 - 44 School Districts
 - 5 Non-Public Schools

- 13 Charter Schools
- 3 Education Districts
- 1 Consortium

Membership

- Terms Of Membership: Membership is at will and reviewed annually at the Spring IEIC meeting.
- Mandated Sector Membership Representation:
 - Health
 - Education
 - County Human Services
 - Early Childhood Family Education Programs
 - Head Start
 - Parents Of Young Children With Disabilities Under Age 12
 - Child Care Resource And Referral
 - School Readiness Programs
 - Current Service
- Additional Representative Membership:
 - Private Agencies
 - Public Agencies
 - School Nurses
 - Other Members
- Ex Officio Membership:
 - MDE designee
 - COE staff
 - Regional Low Incidence Facilitator
- Recruitment/ Selection Of Membership:
- Determined by the Region 10 IEIC
- Elected Offices:
 - Chair
 - Chair-elect
 - Recorder
- Position Funded by Region 10 IEIC
 - Coordinator
 - Position requires approval each year at the Spring meeting so that the budget for the upcoming year can be appropriately set
 - Duties include:
 - to ensure that the IEIC goals are addressed,
 - to be a communication link/liaison,
 - to attend regional and state meetings
 - to support the work of the IEIC
- Other officers: ICC Representatives (2)
- Meeting Facilitator: The Chair/Chair-elect will be responsible to facilitate the Region 10 IEIC meetings.
- Assurance Of Area Representation:
- There will be 2 representatives from each county in the Region 10 IEIC including representation from the mandated sector membership. The representative will share information from those constituents.
- Removal/Replacement: Members of the Region 10 IEIC who are unable to continue on the Regional IEIC: Priority will be to fill the vacancy with the mandated sector membership defined in statute. If unable, another representative from that county may serve. In the event a Regional IEIC committee member shall miss two of the scheduled committee meetings in a twelve-month period without notifying the IEIC Chair(s), the Chair(s) of the Regional IEIC Committee shall have the right to remove the absent member and the membership committee shall fill the vacancy thereby created.
- Conflict Of Interest: Any individual working for an agency that may benefit from a decision that is made would need to disclose that potential conflict of interest. No member of the Committee may cast a vote on any matter that would provide direct financial or other perceived benefit to that member or otherwise give the appearance of a conflict of interest.

Meetings

- Meeting Cycle:
- Quarterly meetings will be held.
 - 1st Q: Summer July-September
 - 2nd Q: Fall October-December
 - 3rd Q: Winter January-March
 - 4th Q: Spring April-June
- Meeting Notification: Notices, agendas, and supporting documents will be sent out electronically (unless requested otherwise) prior to the meetings.
- Parliamentary Authority: Modified Roberts Rules of Order
- Attendance:
- Two consecutive absences without notifying the chair may result in dismissal from the Committee. Designees may be assigned as follows:
 - When members are unable to attend scheduled Region 10 IEIC meetings, they may assign a designee, in writing, to the Chair. The designee shall have the authority to exercise the full privileges of the absent member.
- Decision-Making Process/Voting: Decisions will be via electronic means at the Chair's discretion. Modified Roberts' Rules of order for decision making as 1st, 2nd, majority discussion, decision.
- Distribution Of Meeting Minutes To Other Stakeholders, Interested Parties: Minutes will be distributed to parties and posted on the website at <http://region10projects.org>.
- Electronic Participation: It may be acceptable to attend/vote by contacting the Chair.
- Absentee Voting: A member who is unable to attend a meeting may vote on any noticed action item by submitting his or her vote in writing to the Chair(s) in advance of the meeting in which the action will be taken. Such vote may be sent by mail, email or facsimile transmission.
- Standing Agenda Format: The agenda format will follow the Roberts Rules
- Quorum: Quorum will be a simple majority of current membership.
- Voting: A quorum must be present to hold a vote. Decisions by the Region 10 IEIC shall, to the extent possible, be made by consensus of members (and designees). If there is no consensus, decisions shall be made by a majority vote (51%) of the voting members (and designees).
- Conflict: When a decision cannot be reached, an outside facilitator may be brought in to assist, if needed.
- Reimbursement Policies: The Region 10 IEIC will determine if any members or positions shall receive reimbursement for participation and duties on the IEIC. If a Regional IEIC member is serving within his/her assigned job duties, the Regional IEIC committee will not reimburse expenses.

Created December 2012

- Updated 3/12
- Updated 9/12
- Updated 10/1/13
- Updated 6/14/16

Government Agreements Between Counties

Appendix G

HVED TSES

Governance Agreement For Fillmore County Family Service Collaborative

This agreement, made and effective on the date signed by a majority of all parties, but and between the County of Fillmore and it's Public Health Department and Department of Social Services; school districts of Chatfield, Fillmore Central, Kingsland, Lanesboro, Mabel-Canton, and Rushford-Peterson; SEMCAC, Zumbro Valley Mental Health Center; a parent representative; DFO Community Collections,; and University of Minnesota Extension Service – Fillmore County; and referred to as the Coordination Council for FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE.

Authority:

The Coordinating Council will have legal decision-making authority for the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE in preparing policies and procedures to take to the member organizations and overseeing the Integrated Fund. The Coordinating Council will negotiate the Integrated Fund Contribution from each mandated Party and will assign Integrated Fund contributions to the Fiscal Agent to maintain and to be expended in accordance with the operating budget approved by the member organizations.

Signature Authority

The Coordinating Council and FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE elected officers will have the power to sign letters of intent or memorandums of understanding on behalf of the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE when the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE has agreed to be a grant partner with a member organization. To avoid conflicts of interest a Coordination Council member or elected officer may only sign on behalf of the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE if they are not an employee or volunteer of the membership organization applying for the grant.

Membership:

Membership of the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE will include public and private providers of series to children and families in Fillmore County. New members will be included upon completion of an in-kind form and letter of intent and majority vote of approval by the active membership present at a regularly scheduled meeting. (See Appendix A- Active Membership List)

Officers

The FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE will elect a Chairperson, Vice-Chair, and Secretary at each April meeting, to take office July 1st. Officers will be elected each year, but there are no limits on how many terms an individual may serve as an officer Individuals must be present at the April meeting in order to be elected.

Agreement:

Membership organizations agree to employ qualified staff to meet the service need of the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE: Member organizations receive reimbursement for any costs specified in the budget of the collaborative when funds are available. Member organizations agree to maintain appropriate client records, statistical data and employment records to meet the collaborative goals. The Fillmore Central School District agrees to be the fiscal agent for the project. Information will be shared with the Fillmore Central School District in accordance with grant guidelines and the Minnesota Data Practices Act and HIPPA regulations.

Member organizations agree to cooperate for maximum effectiveness and to ensure the satisfactory performance of this project. Each member organization will provide for the project space, administrative services, interagency meetings, and other facilities necessary as an in-kind contribution to the project. The Coordinating Council, including one representative from each mandated agency, and a special member from the O of M Extensions Service-Fillmore County will meet regularly to review the project's progress, determine the

allocation of the resources in the collaborative's integrated fund and review all project expenditures. Member organization will review the Coordinating Council's recommendations and take action by majority vote.

The FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE may with majority approval at any one meeting, be the fiscal agent for a grant flowing through the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE. Any grant flowing through the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE must work toward the mission of the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE. The FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE retains the right to set certain guidelines upon the grant. These guidelines include but are not limited to reimbursement for hours spent on the grant by the fiscal agent administration, detailed presentation prior to grant application and regular presentations during award period and clear language in the grant detailing FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE responsibility toward any financial or in-kind match.

Terms of Agreement:

This AGREEMENT shall be effective as of the date the agreement is signed by the majority of the parties and shall continue in effect unless otherwise modified. Any party to this Agreement desiring to withdraw from the collaborative may do so by providing ninety (90) day written notice. Notice shall be mailed to the FILLMORE COUNTY FAMILY SERVICES COLLABORATIVE Coordinating Council. All parties are bound to the agreement when signing or when the majority signs whichever is later.

Interagency Disputes:

1. Staff from the grieving agency shall provide a written notice of conflict to the coordinating council that identifies the conflict, proposed action, and a summary of the factual, legal and policy grounds.
2. A written response which includes proposed solutions to the conflict shall be provided by the coordinating council with 45 days of receipt of the notice of conflict.
3. Upon resolution of the conflict, a joint communication indicating such will be developed and disseminated by the representative from each agency.
4. Should further action be required a report from the coordinating council will be submitted to the agency heads for resolution.
5. Upon resolution of the conflict a joint communication so indicating will be developed and disseminated by each agency head.

Should the preceding steps not resolve the conflict; the parties may waive formal administrative proceedings and adopt a method of alternative dispute resolution by mutual consent.

Modification of Agreement:

Modifications of this agreement shall be made only by the consent of the majority of the member organizations present at the time of the vote. Modifications shall be made with the same formalities as were followed in the agreement and shall include a written document setting forth the modifications and signed by all parties.

Other Agency Agreements:

All parties to this agreement acknowledge that this agreement does not preclude or preempt each of the agencies from individually entering into an agreement with one or more parties to this agreement or other parties outside of this agreement. Such agreement shall not nullify the force and effect of this agreement.

**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**

Julie Bunge


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Representative, Fillmore Co Community Services -Social Services Division
Da

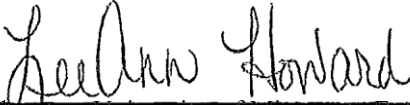
**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**

Lanthe R Stevens 6-14-12
Representative, Fillmore County Community Services -Public Health Division Date

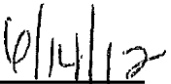
**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**


Representative, Semeac _____ Date 6/20/12

**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**



Educator, University of Minnesota Extension -Fillmore County




Date

**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**

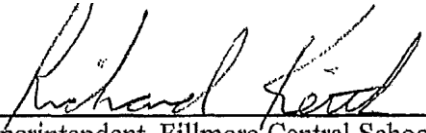
Angela Flores
Representative, Zumbro Valley Mental Health

10/25/12
Date

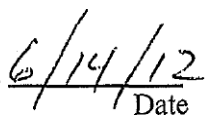
**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**

 6-14-12
Representative, DFO – Fillmore County Corrections Date

**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**



Superintendent, Fillmore Central School District



Date

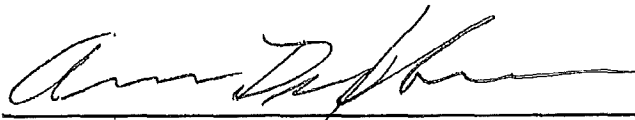
**Coordinating
Council Signature
As representative
of the
Fillmore County Family Services Collaborative**

Michelle Butspiecker
m

6/14/12
Date

Coordinating

Council Signature
As representative
of the
Fillmore County Family Services Collaborative



Parent Representative



Date

Active Membership List

SEMCAC

Fillmore County Community Services - Social Services Division

Fillmore County Community Services - Public Health Division

Root River Program

University of Minnesota Extension

Zumbro Valley Mental Health

Dodge, Fillmore, and Olmsted (DFO) - Fillmore County Corrections

Chatfield School District

Fillmore Central School District

Kingsland School District

Lanesboro School District

Mabel-Canton School District

Rushford-Peterson School District

Workforce Development, Inc.

Fillmore Family Resources, Inc.

Arc Southeaster Minnesota

Fillmore County Sheriff s Department

Fillmore County Libraries

Fillmore County Ministerial Association

Root River Interagency Committee

Minnesota children & Youth with Special Health Needs

Hiawatha Valley Education District

Early Childhood Initiative

Girl Scouts - Southeastern Minnesota River Valley

emilee joen 9-21-09

Houston County Family Services
Collaborative 5474 County 21,
LaCrescent, MN 55947

AGREEMENT

THIS Grant, which shall be interpreted pursuant to the laws of the State of Minnesota between the Houston County Family Services Collaborative and: **Hiawatha Valley Education District**
Soc. Sec. or MN Tax ID No. 2565058
Federal Employer ID No.41-1635945, (hereinafter GRANTEE), witnesses that:

WHEREAS, the Houston County Family Services Collaborative (hereinafter HCFSC) has been designated to administer funds appropriated by the Minnesota Department of Human Services for Family Services Collaborative activities.

WHEREAS, GRANTEE represents that it is duly qualified and willing to perform the services set forth herein, NOW, THEREFORE, it is agreed:

- I. GRANTEE DUTIES: GRANTEE, who is not a state employee, shall perform the duties which are hereby incorporated by reference and made a part of this grant Agreement, as stated in the 2005-2006 Request for Proposal (RFP) for **family Support Workers.**

- II. CONSIDERATION AND TERMS OF PAYMENT
 - A. In consideration for all services performed and goods or materials supplied by GRANTEE pursuant to this Agreement, the HCFSC shall pay for all actual allowable costs incurred by the GRANTEE under the terms of this agreement **not to exceed the amount of \$150,000.00 (One hundred fifty thousand and no/100 dollars).**
 1. Compensation shall be consistent with the Program Line Item Budget, which is incorporated into and made a part of the grant Agreement as stated in the 2005-2006 RFP.
 2. The GRANTEE will expend grant funds allocated for this project according to RFP. GRANTEE will submit a revised budget for any deviation of 10% or more between approved lines. The revised budget must be approved by the HCFSC before any expenditures can be made based on the revised budget.
 - B. Terms of Payment
 1. Payments shall be made by the HCFSC promptly after GRANTEE'S presentation of invoices for services performed and good or materials supplied and acceptance of such invoices by the HCFSC'S Fiscal Agent. Invoices shall be submitted in a form prescribed by the HCFSC and according to the following schedule:
 - a. Invoices for reimbursements shall be identified in approved budget categories and submitted at minimum on a quarterly basis and within 30 days of the end of the reporting period.
 - b. No payment shall be made by the HCFSC until reports required under Clause X have been received by the HCFSC.

- c. Final invoice pertaining to this grant must be received within 30 days of the end of this grant agreement.
- III. **CONDITIONS OF PAYMENT:** All services provided by GRANTEE pursuant to this grant shall be performed to the satisfaction of the HCFSC, as determined in the sole discretion of its Governing Board, and in accord with all applicable federal, state, and local laws, ordinances, rules and regulations. GRANTEE shall not receive payment for work found by the HCFSC to be unsatisfactory, or performed in violation of federal, state or local law, ordinances, rule or regulation.
- IV. **TERM OF AGREEMENT:** This shall be effective on July 1, 2009 or upon the date that the final required signature is obtained by the HCFSC, and shall remain in effect until June 30, 2010, or until all obligations set forth in this grant have been satisfactorily fulfilled, whichever occurs first.
- V. **CANCELLATION**
- A. **Commencement of project:** If the project is not operational within 90 days of the original start date of the grant period, the GRANTEE must report by letter to the HCFSC the steps taken to initiate the project, the reasons for the delay, and the expected start date. If a project is not operational within 120 days of the original start date of the grant period, the GRANTEE must submit a second statement to the HCFSC explaining the implementation delay.
- B. This grant may be cancelled by the HCFSC or GRANTEE at any time, with or without cause, upon thirty (30) days' notice to the other party. In the event of such a cancellation GRANTEE shall be entitled to payment determined on pro rata basis, for work or services satisfactorily performed.
- The HCFSC may cancel this grant immediately if the HCFSC finds that there has been a failure to comply with the provisions of this grant, that reasonable progress has not been made, or that the purposes for which the funds were granted have not been or will not be fulfilled.
- VI. **AMENDMENTS:** Any material amendments to this grant shall be in writing, and shall be executed by the same parties who executed the original or their successors in office.
- VII. **DATA PRACTICES ACT:** The GRANTEE shall comply with the Minnesota Data Practices Act as it applies to all data created, gathered, generated or acquired in accordance with this grant Agreement.
- A. For purposes of the Agreement all data created, collected, received, stored, used, maintained, or disseminated by GRANTEE in the performance of this Agreement is subject to the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13 and the Minnesota Rules implementing the Act now in force or hereafter adopted as well as the Federal laws on data privacy, and GRANTEE must comply with those requirements as if it were a governmental entity. The remedies in section

13.08 apply to the GRANTEE. GRANTEE does not have a duty to provide access to public data to the public if the public data are available from the governmental agency (County), except as required by the terms of this Agreement. All subcontracts shall contain the same or similar data practices compliance requirements.

- B. The GRANTEE agrees to abide strictly by these statutes, rules and regulations. The GRANTEE designates the Director as its Responsible Authority pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as the individual responsible for the collection, maintenance, use and dissemination of any set of data or individuals, government data or summary data pursuant to this agreement.
- C. GRANTEE agrees to be in full compliance of the Health Portability and Accountability Act of 1996 Public Law 104-191 (HIPPA) standards/guidelines/regulations as applicable to GRANTEE and its services.

VIII. RECORDS AND AUDIT

GRANTEE'S bonds, records, documents, papers, accounting procedures and practices, and other evidences relevant to this Agreement are subject to the examination, duplication, transcriptions and audit by HCFSC and either the Legislative or State Auditor, pursuant to Minn. Stat. No. 16C.05, Subd. 5. Such evidences are also subject to review by the Comptroller General of the United States, or a duly authorized representative, if federal funds are used for any work under this Agreement. The GRANTEE agrees to maintain such evidences for a period of six (6) years from the date services or payment were last provided or made, or longer if any audit in progress requires a longer retention period.

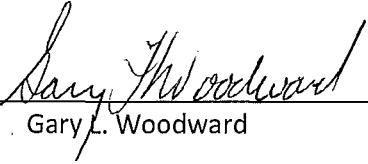
- IX. GRANTEE certifies that they are not on the debarred vendor list in compliance with State and Federal laws.
- X. REPORTS: The GRANTEE will advise the HCFSC concerning the project's progress through the submission of mid-year and annual reports as required by the HCFSC'S fiscal agent and governing council.

IN WITNESS WHEREOF, the parties have caused this grant to be duly executed intending to be bound thereby.

APPROVED:

<p>Hiawatha <u>Valley</u> Education District</p>	<p>HOUSTON COUNTY FAMILY SERVICES COLLABORATIVE - FISCAL AGENT</p>
---	--

Signature must be that of the individual authorized to commit the organization to this project, i.e. superintendent, department head.

By: 
Gary L. Woodward

Title: Executive Director

Date: March 25, 2009

Signature must be that of the individual authorized to commit the organization to this project, i.e. superintendent, department head.

By: 

Title: *n*

Date:

<p>GRANTEE BOARD CHAIR</p>	<p>HOUSTON COUNTY FAMILY SERVICES COLLABORATIVE COORDINATOR</p>
<p>Signature must be that of the individual authorized to commit the organization to this</p> <p><i>!'.:ee/JL•"m</i></p> <p>e nt</p> <p><i>I Ron P I</i> agel</p> <p>Title: HVED Board Chairperson</p>	<p>Signature must be that of the individual authorized to commit the organization to this project, i.e. superintendent, department head.</p> <p>By: <i>Beth Muel</i></p> <p>Title: <i>Cot lciliort<?f-i ue CocrdirvJ.X-LV</i> <i>(-lo CcJ . DHS DrLdiV</i></p> <p>Da <i>4/22/09</i></p>
<p>Date: <i>March 25, 2009</i></p> <p><i>Suzanne Bu. For</i></p> <p>Approved as to form and execution:</p> <p> </p> <p>Suzanne Bu. Interim Houston County Attorney</p> <p>Date: s \D°I</p>	

Wabasha County Family Services Collaborative Interagency Agreement

This agreement made and effective on the date signed by *all* parties, by and between the Wabasha-Kellogg School District, Three Rivers Community Action, Wabasha County Public Health Services, and the Wabasha County Department of Social Services and referred to as the Wabasha County Family Services Collaborative.

WITNESS ETH:

WHEREAS, all parties are committed to providing culturally appropriate programs and services to children and families, and to preventing children from developing more severe disabilities; and

WHEREAS, the parties to this agreement desire a maximum degree of long-range cooperation and administrative planning in order to provide for the safety and security of the community and its children; and

WHEREAS, all parties are committed to improving culturally appropriate services to children in the system through improved outreach, early identification and intervention across systems; and

WHEREAS, all parties are committed to improving services through sharing information, eliminating duplication of services and coordinating efforts; and

WHEREAS, all parties mutually agree that sharing resources, where feasible, and training efforts in particular, may result in improved coordination; and

WHEREAS, the Wabasha County Department of Social Services is recognized by all parties as the designated fiscal agency for reporting, claiming and receiving payments; and

WHEREAS, all parties shall contribute to the formulation of an annual report to be submitted to the commissioners; and

WHEREAS, it is the understanding by all parties that certain roles in serving children and youth are required by law and that these laws shall serve as the foundation for defining the role and responsibility of each participating agency; and

WHEREAS, all parties mutually agree that all obligations as stated or implied in this agreement shall be interpreted in light of and consistently with governing state and federal laws;

NOW, THEREFORE in consideration of the following agreements, the parties do hereby covenant and agree to the following:

EACH OF THE PARTIES AGREES TO:

1. Promote a coordinated effort among agencies and staff to achieve maximum culturally appropriate service delivery with the goal of increasing service efficiency.
2. Participate in interagency planning meetings, as appropriate.
3. Assign staff, as appropriate, to participate in multiagency family services plan staffing, a consolidated case management system and other information-sharing activities to assess and develop plans for children and their families.
4. Jointly plan and provide information and access to training opportunities, when feasible.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Comply with data practices act and other applicable rules and procedures that relate to the use, security, dissemination, retention and destruction of records; and maintain confidentiality of information that is not otherwise exempt as provided by law.

7. Use any new federal reimbursements to collaborative programs resulting from federal revenue enhancement to expand expenditures for collaborative services to families and children.

THE WABASHA COUNTY DEPARTMENT OF SOCIAL SERVICES AGREES TO:

1. Accept responsibility as the designated fiscal agency for reporting, claiming and receiving payments.
2. Develop and maintain an accounting and financial management system to support all claims for federal reimbursement, including a clear audit trail.
3. Develop, in cooperation with appropriate agencies who are parties to this agreement, a written interagency plan to determine the procedures to take when a child is identified as needing coordinated services.
4. Provide technical assistance and resource personnel as provided through contracts and other agreements.
5. Serve as an active participant on the Wabasha County Family Services Collaborative.

THE WABASHA-KELLOGG SCHOOL DISTRICT AGREES TO:

1. Designate the contact person to be responsible for receiving confidential information and inform all parties as to the superintendent's designee.
2. Request confidential information only for the purposes of assessment, placement or the provision of service delivery.
3. Identify those persons designated by the superintendent as authorized to receive confidential information and inform pertinent representatives of the names of those individuals.
4. Ensure that confidential information obtained is disseminated only to appropriate school personnel and carries an appropriate warning regarding the reliability, confidentiality and control of further dissemination. Appropriate internal written policies will be adopted.
5. Share information on student achievement and behavioral and attendance history for the purpose of assessment and treatment with parties to this agreement, as appropriate.
6. Develop, in cooperation with appropriate agencies who are parties to this agreement, written interagency plans to determine policies and procedures pertinent to multiagency programs developed within the realm of the collaborative established by this agreement.
7. Serve as an active participant on the Wabasha County Family Services Collaborative.

THREE RIVERS COMMUNITY ACTION AGREES TO:

1. Develop, in cooperation with appropriate agencies who are parties to this agreement, written interagency plans to determine policies and procedures pertinent to multiagency programs developed within the realm of the collaborative established by this agreement.
2. Request protected information only for the purposes of assessment or the provision of service delivery.
3. Develop, in cooperation with appropriate agencies who are parties to this agreement, a written interagency plan to determine the procedures to take when a child is identified as needing coordinated services.
4. Serve as an active participant on the Wabasha County Family Services Collaborative.

WABASHA COUNTY PUBLIC HEALTH SERVICES AGREES TO:

1. Develop, in cooperation with appropriate agencies who are parties to this agreement, written interagency plans to determine policies and procedures pertinent to multiagency programs developed within the realm of the collaborative established by this agreement.
2. Request protected information only for the purposes of assessment or the provision of service delivery.

3. Develop, in cooperation with appropriate agencies who are parties to this agreement, a written interagency plan to determine the procedures to take when a child is identified as needing coordinated services.
4. Serve as an active participant on the Wabasha County Family Services Collaborative.

TERMS OF AGREEMENT:

This agreement shall be in effect as of the date the agreement is signed by the majority of the parties and shall continue in effect through June 30, 2000, unless otherwise modified. All parties are bound to this agreement when signing or when the majority signs, whichever is later.

INTERAGENCY DISPUTES:

1. Staff from the grieving agency shall provide a written notice of conflict to the collaborative board that identifies the conflict, proposed actions and a summary of factual, legal and policy grounds.
2. A written response, which includes proposed solutions to the conflict, shall be provided by the collaborative within 45 days of receipt of the notice of conflict.
3. Upon resolution of the conflict, a joint communication so indicating will be developed and disseminated by a representative from each agency.
4. Should further action be required, a report from the collaborative board will be submitted to the agency heads for resolution.
5. Upon resolution of the conflict, a joint communication so indicating will be developed and disseminated by each agency head.
6. Should the preceding steps not resolve the conflict, the parties may waive formal administrative proceedings and adopt a method of alternative dispute resolution by mutual consent.

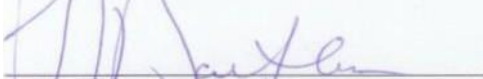
MODIFICATION OF AGREEMENT:

Modification of this agreement shall be made only by the consent of all parties. Modifications shall be made with the same formalities as were followed in this agreement and shall include a written document setting forth the modifications and signed by all parties.

OTHER INTERAGENCY AGREEMENTS:

All parties to this agreement acknowledge that this agreement does not preclude or preempt each of the agencies individually entering into an agreement with one or more parties to this agreement or other parties outside this agreement. Such agreements shall not nullify the force and effect of this agreement.

SIGNATURES OF PARTIES TO THIS AGREEMENT:


 School District Representative

11-5-21
 Date


 Wabasha County Public Health Services

9-5-06
 Date


 Wabasha County Department of Social Services

Date tf- 'J Date

Title IV-E Foster Care Candidacy Administrative Agreement

The federal Title IV-E foster care candidacy program requires an agreement between the State agency and another public agency in accordance with the Social Security Act, Title IV, Part E, Section 472 (a) (2). This agreement allows public schools, public health and public correction agencies to participate in the eligibility determination process for the Title IV-E foster care candidacy program.

The _____ County Social Service Agency (hereinafter, "agency") is responsible for the administration of the eligibility determinations for Title IV-E foster care candidacy in _____ County in accordance with the State Title IV-E plan approved by the Department of Human Services.

The (Enter name of public school, public health and/or public corrections agency) (hereinafter "provider") is a public agency authorized in Minnesota to participate in a local collaborative time study.

Whereas, this agreement between the agency and the provider authorizes sharing of information between the agency and provider as necessary to determine Title IV-E foster care candidacy eligibility.

Whereas, the welfare system includes the Department of Human Services, local social services agencies, county welfare agencies, human services boards, community mental health center boards and persons, agencies, institutions, organizations, and other entities under contract to any of the above agencies to the extent specified in the contract in accordance with Minnesota Statutes, section 13.46 subdivision 1 (b) and (c) and subdivision 2a (5) - (7).

Whereas, the school district, county, corrections and public health entity members of the family services and children's mental health collaborative may share information with each other as to whether an individual or family is being served by a member in accordance with Minnesota Statutes, sections 1240.23, subdivision 5; 245.493 subdivision 3 and 626.556, subdivision 3.

Whereas, the provider agrees to meet all the requirements of the Code of Federal Regulation, Title 45, Part 111 355.30 (p) (4) and Part 1356.60 (c) (7). These requirements include:

- Preparation of the case plan
- Documentation of the reasons the child is at serious risk of removal from the home
- Recommendation of Title IV-E foster care candidacy to the agency


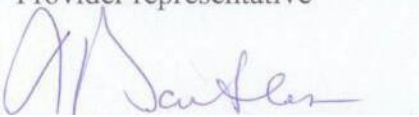
- Develop, in conjunction with the agency, a communication system that allows the sharing of necessary information to complete Title IV-E candidacy eligibility determinations
- Develop, in conjunction with the agency, a tracking system for the six-month redeterminations for Title IV-E foster care candidacy eligibility
- Maintain records and allow the agency access for purposes of quality assurance

The agency is responsible for the determination of Title IV-E foster care candidacy eligibility and providing those determinations in a timely manner to the provider to maximize federal financial participation. The agency will conduct periodic reviews to ensure compliance with federal Title IV-E requirements.

The terms of this agreement do not impair or limit the authority or responsibility of the agency in the administration of the State Title IV-E plan.

This agreement is subject to cancellation, renewal, or revision on thirty (30) days written notice by either party.

The effective date of this agreement is 9 - '01.

SIGNATURE	DATE	ADDRESS
Agency representative 		c'7 g.. ..;' Person Av 1.LJ, hzv k_«- MA 55981
Provider representative 	9,5,06	50 0 u/ ;'.5.- e; .&7 (J/c,)lui'<-.JC/,M/11,5f:/?6 7

09/08/05

HVED Special Education Advisory Council's (SEAC's) Operating Procedures and By-Laws

Appendix H

HVED TSES

HVED's SEAC Bylaws

Vision: Support Resource Collaborate

Mission Statements:

Promote involvement of parents of children with disabilities from birth through age 21.
Act as a liaison between HVED and member districts and schools served.
Advise, educate, and guide parents and school professionals.

Bylaws:

Minnesota Statute 125A.24 provides the authority under which a SEAC operates. According to the statute, the purpose of the council is to increase the involvement of parents of children with disabilities in district policymaking and decision making. A local SEAC may further define its purpose in the bylaws. With a clear purpose and mission, the SEAC can focus on accomplishing its goals. According to Minnesota Statute 125A.24, school districts must have a special education advisory council incorporated into the district's special education system plan.

The PURPOSE of the HVED SEAC is to:

- Provide resources and a system of support for parents of children with special needs
- Encourage and provide engagement opportunities for parents of children with special needs
- Build collaborative relationships between the special education team which includes parents, general education and special education professionals

ADVISE:

The SEAC will advise the HVED Administration who will bring an annual report including SEAC recommendations to the member districts' superintendents.

MEMBERSHIP:

HVED Representative – Coordinator, 1 Representative from each district (including parents of Birth– three year olds); and 1 Representative from the non-public schools.

Members of the HVED SEAC voluntarily serve as representatives for two (2) or a three (3) year rotating terms, with the opportunity to volunteer for additional terms as described in the SEAC bylaws. The SEAC consists of parents, community representatives, and school staff. At least 50 percent of the members must be parents of students from diverse disability areas.

LEADERSHIP:

One HVED board member will be assigned to SEAC as the designated chair. The HVED facilitator will invite, organize and lead the meeting under the endorsement of the board member chair. A second member will volunteer to document the minutes. (Chair – Board Rep, facilitation – HVED staff.)

MEETINGS:

Meetings will be held, at a minimum, semi-annually with a maximum duration of 2 hours. These meetings will be set at the Board of Directors January meeting each year. These will be posted on the HVED website under Upcoming Events

RULES AND PROCEDURES:

Agenda will be set prior to meeting dates and revised at the start of each meeting. Minutes will be emailed to current SEAC members.

The standing agenda at each meeting will consist of:

- introductions,
- review and approve of previous meeting minutes,
- review and recommendations of policy and procedures,
- updates from districts regarding parental needs,
- new business, and other (round table discussion).

COMMUNICATION:

New members may reference the HVED website at www.hved6013.org under the Parent tab for further information.

New and updated publications will be accessible on the HVED District website under the Parent tab. Publications will become part of the Board of Directors committee update.

SUB-COMMITTEES:

Subcommittees may be formed to accomplish specific or time-limited tasks.

BY-LAW AMENDMENT:

By-laws will be reviewed and addressed annually.