

Minnesota Valley Education District

2015-2016 School Year

Part C Due Process and Procedures Manual

Serving the School Districts of:

Cleveland

Lake Crystal Wellcome Memorial

LeSueur Henderson

Maple River

Nicollet

St. Clair

St. Peter

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

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Timelines-

- Referral Date: Is the date the referral is made to the Intake Facilitator.
- Due Date for the evaluation/assessment and initial IFSP is 45 calendar days from the date of referral.
- Screening/evaluation/assessment cannot proceed prior to the date of parental consent.
- Date of initial IFSP meeting is the meeting date is the date of the actual meeting with the parents, not the date the IFSP was drafted.

Post Referral Timelines:

- Screening is allowed after the initial referral, if parents consent.
- Screenings must also be completed within the 45 day timeline.
- If screening results indicate a suspected disability, then the evaluation, assessment and initial IFSP meeting must all be completed within 45 days from the referral date.
- Exceptions to the 45 day timeline:
 - Parental consent is not obtained despite documented repeated attempts to gain consent.
 - There are documented exceptional family circumstances which make the child or family unavailable for evaluation, assessment or initial IFSP meeting.
 - The evaluation/assessment and initial IFSP meeting must be completed as soon as possible after parental consent is obtained and/or the exceptional family circumstances no longer exist.

IFSP Periodic Review:

- A periodic review must be completed within 6 months of the initial IFSP meeting, or earlier if conditions warrant.
- Additional periodic reviews must take place within 6 months of the last periodic review (or earlier if conditions warrant).
- The periodic review may be carried out through a meeting or by other means acceptable to the parents and other participants.

IFSP Development:

- IFSP's must be developed within 30 calendar days.

Transition from Part C Services:

- All students who are potentially eligible for Part B services must have a transition conference between the child's age of 2 years, 3 months and 2 years, 9 months of age.

Student Files-

Permanent Files:

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

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

Staff may choose

Working Files:

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

Notification-

A Part C PWN is required:

- Prior to screening
- After screening when results indicate no suspicion of disability or need to evaluate
- After determination that a child is not eligible for Part C services
- Prior to initial evaluation and assessment for Part C services
- Prior to initiating early intervention services
- For conducting ongoing assessment
- Whenever changing placement or provision of early childhood services

PWN's:

- Should not use professional jargon or acronyms that are not defined.
- Must be provided in the native language of the parent and/or the mode of communication usually used (i.e. for blind or illiterate parents).

Prior Written Notice for Screening:

1. Description of what the district will do:

- The notice must be sufficient in detail to inform the parent about the action that is being proposed.

Sample of Noncompliance

Walden Lake Public Schools will observe Tyler to see if there are any concerns about development and need for evaluation and assessment.

Sample of Compliance

Walden Lake Public Schools will conduct a developmental screening of Tyler using the Bayley Infant Neurodevelopmental Screener (BINS). An Early Childhood Special Education Teacher will conduct the screening.

2. Explanation of why the district will take the action:

- The notice must be sufficient in detail to inform parents about the reasons for taking the action.

Sample of Noncompliance

The observation will be completed as a part of the routine screening process.

Sample of Compliance

Tyler's parents are concerned that Tyler is developing more slowly than his cousins. The information obtained through screening will be used to determine whether or not Tyler is suspected of being a toddler with a disability.

- If the screening determines that a child is not suspected of having a disability:
 - The school district must provide a PWN to the parents indicating that they not be doing an evaluation.
 - This notice must include a statement of the parent's right to request an evaluation.

Sample of Compliance

1. The district will not conduct an evaluation of Tyler at this time.
2. The scores obtained from the Bayley Infant Neurodevelopmental Screener (BINS) were well about the cut-off for concern in the areas of cognition and communication. Tyler's

scores on the Ages and Stages Questionnaire support this. therefore, Tyler is not suspected of being a toddler with a disability.

Prior Written Notice for Evaluation and Assessment:

1. Description of what the district will do:

- The notice must be sufficient in detail to inform the parent about the action that is being proposed.

Sample of Noncompliance

Initial evaluation for early intervention services.

Evaluation Procedures:	Areas Evaluated:	By Whom:
Battelle Inventory	Physical, Cognition, Communication, Social/Emotional, Adaptive	Early Childhood Staff
Assessment Procedures if child is found eligible.	Areas assessed:	By Whom:
Hawaii Early Learning Profile, if needed	Physical, Cognition, Communication, Social/Emotional, Adaptive	Early Childhood Staff

Sample of Compliance

The district will conduct an initial evaluation of your child to determine eligibility. More specific information about the evaluation tools and procedures is documented below. If your child is determined eligible for early intervention services, the district also proposes to conduct an initial assessment of your child in developmental areas in order to identify your child's unique strengths and needs and the early intervention services appropriate to meet those needs. The specific assessments are listed below:

Evaluation Procedures:	Areas Evaluated:	By Whom:
Battelle Developmental Inventory, 2nd Edition	Physical, Cognition, Communication, Social/Emotional, Adaptive	Early Childhood Special Education Teacher and Occupational Therapist
Assessment Procedures if child is found eligible.	Areas assessed:	By Whom:
Hawaii Early Learning Profile (HELP)	Physical, Cognition, Communication, Social/Emotional, Adaptive	Early Childhood Special Education Teacher and Occupational Therapist

2. Explanation of why the district will take the action:

- The notice must be sufficient in detail to inform parents about the reasons for taking the action.

Sample of Noncompliance

The district is required to conduct an evaluation and assessment when a child is referred to Part C and does not pass a screening.

Sample of Compliance

The district is proposing this evaluation because the results of the screening conducted on 7/21/2014 indicate that Tyler is suspected of being a child with a disability due to low scores in the area of language. If your child is determined eligible, the district is proposing an assessment of your child to provide information needed to develop an Individualized Family Service Plan (IFSP) that will address any identified developmental needs and build upon your child's strengths.

- The lead agency must ensure that consent is obtained before all evaluations and assessments of a child.

Notice for IFSP Meetings:

- Meeting arrangements are made with, and **written notice provided** to the family and other participants early enough before the meeting date to ensure that they will be able to attend.
- Even if meetings are scheduled in person, **written notice is required**.

Prior Written Notice for IFSP:

1. Description of what the district will do:

- The notice must be sufficient in detail to inform the parent about the action that is being proposed.

Sample of Noncompliance

The district will continue to provide early intervention services for Tyler. Please see attached IFSP.

Sample of Compliance

The district will continue to provide early intervention services as described in the attached Individualized Family Service Plan (IFSP). As discussed at the IFSP meeting held August 1, 2014, the team agreed to increase services in the areas of communication and gross motor to twice a week. The Early Childhood Special Education teacher will continue to assess your child's emerging development throughout the period covered by this IFSP using the Carolina Curriculum for Infants and Toddlers with Special Needs which will be updated monthly.

2. Explanation of why the district will take the action:

- The notice must be sufficient in detail to inform parents about the reasons for taking the action.

Sample of Noncompliance

Zach qualifies for early intervention services under Part C of IDEA.

Sample of Compliance

Zach has a delay in expressive communication and fine motor skills and has been determined eligible for early intervention services. The IFSP addresses Zach's unique needs and your priorities for him and your family. Ongoing assessment will provide information that will allow your child's IFSP team to monitor your child's developmental progress across developmental areas and promptly act upon any future concerns.

- There is no implied consent for Part C services.
- Written permission is required for:
 - Initial IFSP
 - Annual IFSP
 - Any changes in services

Evaluation, Eligibility, and Assessment-

Eligibility for Part C Services:

- Evaluation means the procedures used to determine initial and continuing eligibility.
- Assessment refer to ongoing procedures to identify the child's unique needs and strengths.
- To qualify using the -1.5 standard deviations, the child must show a delay in one or more of the five developmental areas:
 - Cognitive Development
 - Physical Development- Including vision and hearing
 - Communication Development
 - Social or Emotional Development
 - Adaptive Development
- Children can qualify for services without an evaluation if a child's medical and other records:
 - Indicate that the child's level of functioning in one or more of the developmental areas constitutes a developmental delay or
 - That the child otherwise meets the criteria for an infant or toddler with a disability.
- Informed Clinical Opinion (ICO) may be used as an independent basis to establish a child's eligibility even if other instruments do not establish eligibility.
 - In no event may ICO be used to negate the results of evaluation instruments which have established eligibility.
- Determination of conditions with a high probability of resulting in a developmental delay (i.e. Conditions Known to Hinder) are eligible for services even if they are not currently demonstrating a need or delay:
 - Chromosomal/Genetic
 - Neurodevelopmental
 - Prenatal/Perinatal Conditions
 - Physical Conditions
 - Sensory Conditions
 - Social or Emotional Conditions

Screening Materials and Procedures:

- Screening procedures includes the administration of appropriate instruments by personnel trained to administer those instruments.

Evaluation Materials and Procedures:

Part C Evaluations must include the following:

1. Timely- Completed within 45 days of the referral.
2. Comprehensive- Addressing all five developmental areas.
3. Multidisciplinary- More than one person from different disciplines or professions must be a part of the evaluation. This can include:
 - a. Early Childhood Special Education Teacher
 - b. Speech/Language Pathologist
 - c. Occupational Therapist
 - d. Physical Therapist
 - e. Nurse
4. Qualified Personnel- Personnel who have met state approved or recognized certification, licensing, registration, or other comparable requirements that apply to the areas in which the individuals are conducting evaluations or assessments or providing early intervention services.
5. Nondiscriminatory-
6. Conducted in the Child's Native Language- Not necessarily the parent's native language.
7. Administering an Evaluation Instrument- Using a normed test.
8. Taking the Child's History - Including interviewing the parent.
9. Procedures for Evaluating the Child's Level of Functioning- In each of the five developmental areas.
10. Gathering Information from Other Sources- Family members, other caregivers, medical providers, social workers and educators if necessary.
11. Review of Medical, Educational or Other Records.

Procedures for Assessment of Child and Family:

- Evaluation and Assessment may occur simultaneously.
- Evaluation and Assessment information is documented in the IFSP rather than a separate Evaluation Report (as in Part B services).
- An Assessment must identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs (i.e. Inform Present Levels).
- Qualified Personnel must use informed clinical opinion when conducting an Assessment of a child.
- Assessments must also be conducted by qualified personnel, be non discriminatory, and in the native language of the child.
- Specific Requirements Unique to Assessment Procedures:
 - Assessment of the Child

- Family-directed assessment, which needs to be offered, but is voluntary on the part of the family (the district must document that it was offered and declined if families choose not to participate).
- The Assessment of the child must include the following:
 - A review of the results of the evaluation conducted.
 - Personal observations of the child.
 - The identification of the child's needs in each of the five developmental areas.
- A Family Directed Assessment must be conducted to include:
 - The family's resources, priorities and concerns.
 - The supports and services necessary to enhance the family's capacity to meet the developmental needs of the child with a disability.
 - Be based upon information obtained through an assessment tool and also through an interview of those family members who elect to participate in the assessment.

Part C Individualized Family Service Plan (IFSP)-

Requirements for IFSP Meetings:

IFSP meetings must be conducted:

- In settings and at times that are convenient for the family.
- In the native language of the family or other mode of communication used by the family.

IFSP Team Members:

Each initial and annual IFSP Team meeting must include:

- The parent or parents of the child.
- Other family members (if requested by the parent).
- An advocate or person outside the family (if requested by the parent).
- The service coordinator designated by the public agency to be responsible for implementing the IFSP.
- The persons directly involved in conducting the evaluation or assessment. The Team must include two or more individuals from separate disciplines or professions.
- Persons who will be providing early intervention services to the child or family.

IFSP Required Content:

1. Present Levels of All Five Developmental Areas:
 - a. Physical Development (Including vision, hearing and health status)
 - b. Cognitive Development
 - c. Communication Development
 - d. Social and Emotional Development
 - e. Adaptive Development
2. Information about the Family's:
 - a. Resources
 - b. Priorities
 - c. Concerns
3. Measureable Results or Measureable Outcomes
 - a. Measureable means objective and definable

Sample of Noncompliance

Measurable Result or Measureable Outcome:

Leroy will be nice to his brother.

We will know we are successful when:

Leroy doesn't hit his brother.

Sample of Compliance

Measurable Result or Measureable Outcome:

Leroy will play with his brother and express himself without hitting.

We will know we are successful when:

Leroy will point at the toy he wants to play with rather than hit his brother, observed on at least five occasions during play time for a one week period as reported by his parents.

4. The Criteria, Procedures and Timelines used to determine progress
 - a. How will the district inform the parents of the trajectory of progress?
 - b. How will the district know if progress is adequate at the time of the periodic review or annual review?

Sample of Noncompliance

Measurable Result or Measurable Outcome:

Leroy will be nice to his brother.

We will know we are successful when:

Leroy doesn't hit his brother.

Timeline that will be used to determine the extent to which progress is being made:

This outcome will be achieved by the time of the periodic review (March 2015).

Sample of Compliance

Measurable Result or Measurable Outcome:

Leroy will play with his brother and express himself without hitting.

We will know we are successful when:

Leroy will point at the toy he wants to play with rather than hit his brother on at least five occasions during play time for one week period as reported by his parents.

Timeline that will be used to determine the extent to which progress is being made:

Leroy will express himself without hitting by December 2014 and will play with his brother without hitting by March 2015.

5. The Early Intervention Services needed to meet the child's unique needs:
 - a. Assistive Technology Devices and Services
 - b. Audiology Services
 - c. Family Training, Counseling and Home Visits
 - d. Health Services
 - e. Medical Services
 - f. Nursing Services
 - g. Nutrition Services
 - h. Occupational Therapy
 - i. Physical Therapy
 - j. Psychological Services
 - k. Service Coordination
 - l. Sign Language and Cued Language
 - m. Social Work
 - n. Special Instruction
 - o. Speech/Language Services
 - p. Transportation
 - q. Vision Services
 - r. Other Services
6. The Length, Duration, Frequency, Intensity and Method of Service Delivery
 - a. Length: The length of time service is provided during each session of that service
 - b. Duration: Projection of when a given service will no longer be needed
 - c. Frequency: The number of days or sessions

- d. Intensity: Individual or group basis
 - e. Method: How a service is provided
7. The Location of Services
- a. Home
 - b. Daycare
 - c. School setting

Sample of Noncompliance

Length	Frequency	Intensity	Method	Location	Duration
12 months	every other week	60 minutes	Speech therapy	Special Education	years

Sample of Compliance

Length	Frequency	Intensity	Method	Location	Duration
60 minutes	36 sessions (3 times per month)	Individual	Direct instruction with child	Home	5/15/15

8. Justification for Each Service Provided in Locations Other Than The Natural Environment:
- Sample of Compliance
- Service(s):
Audiological Screening
- Environments in which service(s) are provided:
Walden Lake Clinic
- Team explanation of why service(s) cannot be provided in the natural environment:
Sound-proof booth required.
9. Payment Arrangements, If Any
- a. Funding source other than school district
 - b. Signatures of parent and authorized signatures of the agencies responsible for paying for, facilitating payment or any combination of these for early learning services.
10. Identify Medical and Other Services the Child or Family Needs
- a. Services the child needs or receives that are not provided by the early childhood team
11. Projected Date for the Initiation of Services
12. Name of the Service Coordinator
- a. Who is responsible for implementing the early intervention services
13. Steps to Support Transition from Part C Services
- a. Transition plan is part of IFSP
 - b. Transition plan must be established not fewer than 90 days before and not more than 9 months before the toddler's third birthday
14. Transition Plan Must Include the Following Steps:

- a. Discussions with and training of parents regarding future placements and other matters related to the child’s transition.
- b. Procedures to prepare the child for changes in service delivery, including how to help the child adjust to functioning in a new setting.
- c. Identification of transition services and other activities the IFSP Team determines are necessary to support the transition of the child.

Transition Steps and Services	What will happen?	When?
Discussions with and training of parents regarding future placements and other matters related to transition:		
Procedures to prepare the child for changes in service delivery, including how to help the child adjust to and function in a new setting:		
Identification of transition services and other activities the IFSP Team determines are necessary to support the transition of the child:		

- d. An initial evaluation for Part B must be part of the transition plan for those children considered to be potentially eligible.

Periodic Review:

- The purpose of the periodic review is to determine:
 - The degree to which progress toward achieving the results or outcomes identified in the IFSP is being made.
 - Whether modification or revision of the results, outcomes, or early intervention services identified in the IFSP is necessary.
- Each outcome on the IFSP should document:
 - Period review date
 - Description of progress toward measurable result or measurable outcome.
 - If the outcome-
 - Accomplished
 - Continue
 - Discontinue
 - Continue with the following modifications or revisions.

Interim IFSP Standards:

An Interim IFSP is developed that includes:

- The name of the Service Coordinator
- The Early Intervention Services