

# ***Hutchinson Public Schools - District 423***

## **Total Special Education System (TSES)**

This document serves as the Total Special Education System Plan for *Hutchinson Public Schools, District 423* in accordance with Minnesota Rule 3525.1100. This plan also includes an assurance for compliance with the federal requirements pertaining to districts' special education responsibilities found in United States Code, title 20, chapter 33, and Code of Federal Regulations, title 34, part 300. This document is a companion to the Application for Special Education Funds – Statement of Assurances (ED-01350-29).

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### **I. Child Study Procedures**

The District's identification system is developed according to the requirement of nondiscrimination as Hutchinson Public School 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**

*District 423* has developed systems designed to identify pupils with disabilities beginning at birth, pupils with disabilities attending public and nonpublic schools, and pupils with disabilities who are of school age and are not attending any school.

Infant and toddler intervention services under United States Code, title 20, chapter 33, section 1431 et seq., and Code of Federal Regulations, title 34, part 303, are available in *District 423* to children from birth through two years of age who meet the outlined criteria.

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

- A. The child meets the criteria of one of the disability categories in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in subitem (1), (2), or (3):
  - (1) The child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay; or
  - (2) The child is experiencing a developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean, as measured by the appropriate diagnostic measures and procedures, in one or more of the following areas:
    - (a) Cognitive development;

- (b) Physical development, including vision and hearing;
- (c) Communication development;
- (d) Social or emotional development; and
- (e) Adaptive development.

(3) The child's eligibility is established through the application of informed clinical opinion. Informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments to establish eligibility.

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

- A. The child meets the criteria of one of the categorical disabilities in United States Code, title 20, chapter 33, as defined in Minnesota Rules; or
- B. The child meets one of the criteria for developmental delay in subitem (1) and the criteria in subitem (2). *District 423* 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.*

*District 423's* plan for identifying a child with a specific learning disability is consistent with Minnesota Rule 3525.1341. *District 423* implements its interventions consistent with that plan. The plan details the specific scientific, research-based intervention (SRBI) approach, including timelines for progression through the model; any SRBI that is used, by content area; the parent notification and consent policies for participation in SRBI; procedures for ensuring fidelity of implementation; and a district staff training plan. *District 423's* plan for identifying a child with a specific learning disability is attached as Appendix A.

## B. Evaluation

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

- 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.

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

*District 423* conducts full and individual initial evaluation before the initial provision of special education and related services to a pupil. The initial evaluation consists of procedures to determine whether a child is a pupil with a disability that adversely affects the child's educational performance as defined in Minnesota Statutes, section 125A.02, who by reason thereof needs special education and related services, and to determine the educational needs of the pupil. The district proposing to conduct an initial evaluation to determine if the child qualifies as a pupil with a disability obtains informed consent from the parent of the child before the evaluation is conducted. Parental consent for evaluation is not construed as consent for placement for receipt of special education and related services. The District will not override the written refusal of a parent to consent to an initial evaluation or re-evaluation.

### ***Evaluation Procedures***

Evaluations and reevaluations are conducted according to the following procedures:

- A. *District 423* shall provide notice to the parents of the pupil, according to Code of Federal Regulations, title 34, sections 300.500 to 300.505, that describes any evaluation procedures the district proposes to conduct.
- B. In conducting the evaluation, *District 423*:
  - (1) Uses a variety of evaluation tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that are designed to assist in determining whether the child is a pupil with a disability and the content of the pupil's individualized education program, including information related to enabling the pupil to be involved in and progress in the general curriculum, or for preschool pupils, to participate in appropriate activities;
  - (2) Does 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) Uses technically sound instruments that are designed to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

C. *District 423* ensures that:

- (1) Tests and other evaluation materials used to evaluate a child under this part are selected and administered so as not be discriminatory on a racial or cultural basis, and are provided and administered in the pupil's native language or other mode of communication, unless it is clearly not feasible to do so;
- (2) Materials and procedures used to evaluate a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education and related services, rather than measure the child's English language skills;
- (3) Any standardized tests that are given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of such tests;
- (4) The child is evaluated in all areas of suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
- (5) Evaluation tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the pupil are provided;
- (6) If an evaluation is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report;
- (7) Tests and other evaluation materials include those tailored to evaluate specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
- (8) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills, unless those skills are the factors that the test purports to measure; and
- (9) In evaluating each pupil with a disability, the evaluation is sufficiently comprehensive to identify all of the pupil's special education and related service needs, whether or not commonly linked to the disability category in which the pupil has been classified.

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

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

***Additional requirements for evaluations and reevaluations***

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

- (1) Review existing evaluation data on the pupil, including evaluations and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers observation; and
  - (2) On the basis of the review, and input from the pupil's parents, identify what additional data, if any, are needed to determine whether the pupil has a particular category of disability, as described in Minnesota Statutes, section 125A.02, or, in case of a reevaluation of a pupil, whether the pupil continues to have such a disability, the present levels of performance and educational needs of the pupil, whether the pupil needs special education and related services, or in the case of a reevaluation of a pupil, whether the pupil continues to need special education and related services, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.
- B. The district administers such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under item A, subitem (2).
  - C. The district obtains informed parental consent, in accordance with subpart 1, prior to conducting any reevaluation of a pupil, except that such informed parental consent need not be obtained if the district can demonstrate that it had taken reasonable measures to obtain such consent and the pupil's parent has failed to respond.
  - D. If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the pupil continues to be a pupil with a disability, the district shall notify the pupil's parents of that determination and the reasons for it, and the right of such parents to request an evaluation to determine whether the pupil continues to be a pupil with a disability, and shall not be required to conduct such an evaluation unless requested to by the pupil's parents.
  - E. A district evaluates a pupil in accordance with federal regulation before determining that the pupil is no longer a pupil with a disability.

The district intends to use restrictive procedures. See the attached Restrictive Procedure Plan.  
See *Appendix B*

The district follows the restrictive procedure statute, Minnesota Statute 125A.094-125A.0942.

***Procedures for determining eligibility and placement***

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

***Evaluation report***

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

- A. A summary of all evaluation results;

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

### **C. Plan for Receiving Referrals**

*District 423's plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies is attached as Appendix C.*

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

*District 423 provides a full range of educational service alternatives. All students with disabilities are provided the special instruction and services which are appropriate to their needs. The following is representative of District 423's method of providing the special education services for the identified pupils, sites available at which service may occur, and instruction and related services are available.*

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

### **A. Method of providing the special education services for the identified pupils:**

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

### **B. Sites available at which services may occur:**

- (1) Cornerstone Program
  - a. Park Elementary School, 100 Glen Street, Hutchinson, MN
  - b. Hutchinson Middle School, 1365 South Grade Road, Hutchinson, MN
  - c. Hutchinson High School, 1200 Roberts Road, Hutchinson, MN
- (2) Home
- (3) District Preschool – West Elementary School, 875 School Road, Hutchinson, MN

- (4) District ECFE Classroom – 775 School Road, Hutchinson, MN
- (5) Head Start – Hwy 15 North, Hutchinson, MN
- (6) Community Preschools, Hutchinson, MN
- (7) Parochial Schools, Hutchinson, MN

C. Available instruction and related services:

- (1) Physical Therapy
- (2) Occupational Therapy
- (3) Social Work
- (4) Counseling
- (5) Speech Therapy
- (6) Nursing Services
- (7) Orientation and Mobility

**III. Administration and Management Plan.**

*District 423* utilizes the following administration and management plan to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils:

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

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	Additional Information
Deb McKittrick Special Education Coordinator	320-234-2623 <a href="mailto:debra.mckittrick@hutch.k12.mn.us">debra.mckittrick@hutch.k12.mn.us</a> 30 Glen Street, Hutchinson, MN	Assures due process is being followed, parents are informed, evaluations are timely, special education services are appropriate	
Kelly Johnson School Psychologist	320-234-2635 <a href="mailto:kelly.johnson@hutch.k12.mn.us">kelly.johnson@hutch.k12.mn.us</a> Hutchinson Middle School, 1365 South Grade Road SW,	Testing of students, assures evaluations are complete and warrant eligibility, test materials are up to	

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	Additional Information
	Hutchinson, MN	date and appropriate.	
Lisa Sturm, School Psychologist	320-587-2151, Ext. 5726 <a href="mailto:lisa.sturm@hutch.k12.mn.us">lisa.sturm@hutch.k12.mn.us</a> Hutchinson High School, 1200 Roberts Road, Hutchinson, MN	Testing of students, assures evaluations are complete and warrant eligibility, test materials are up to date and appropriate.	
Lisa Kraft, Director of Special Education	320-234-2618 <a href="mailto:Lisa.kraft@hutch.k12.mn.us">Lisa.kraft@hutch.k12.mn.us</a> Central District Offices 30 Glen Street NW, Hutchinson, MN	Supervision of Special Education Department	
Katherine Grant, Evaluation Coordinator Secondary Level	320-234-2713 <a href="mailto:katherine.grant@hutch.k12.mn.us">katherine.grant@hutch.k12.mn.us</a> Hutchinson High School, 1200 Roberts Road, SW, Hutchinson, MN	Schedule child study and evaluation results meetings, writes the evaluation plan and sections of the evaluation report, tests academic areas, distributes questionnaires and checklists to parents and teachers.	
Shelly Theis, Evaluation Coordinator Elementary Level	320-587-2837, Ext. 1237 <a href="mailto:shelly.theis@hutch.k12.mn.us">shelly.theis@hutch.k12.mn.us</a> Park Elementary, 100 Glen Street, Hutchinson, MN	Schedule child study and evaluation results meetings, writes the evaluation plan and sections of the evaluation report, tests academic areas, distributes questionnaires and checklists to parents and teachers.	
Sara Johnson Sara Watson Birth to 3 Service	320-234-2619 <a href="mailto:sara.johnson@hutch.k12.mn.us">sara.johnson@hutch.k12.mn.us</a> <a href="mailto:sara.watson@hutch.k12.mn.us">sara.watson@hutch.k12.mn.us</a>	Referral Intake for Help Me Grow, Hutchinson Birth – 3 evaluations and service	

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	Additional Information
Coordinators	Central Office, 30 Glen Street, Hutchinson, MN	coordination	

B. Due Process assurances available to parents: *District 423* has appropriate and proper due process procedures in place to assure effective and efficient results of child study procedures and method of providing special education services for the identified pupils, including alternative dispute resolution and due process hearings. *A description of these processes are as follows:*

- (1) Prior written notice to a) inform the parent that except for the initial placement of a child in special education, the school district will proceed with its proposal for the child's placement or for providing special education services unless the child's parent notifies the district of an objection within 14 days of when the district sends the prior written notice to the parent; and b) state that a parent who objects to a proposal or refusal in the prior written notice may request a conciliation conference or another alternative dispute resolution procedure.
- (2) *District 423* will not proceed with the initial evaluation of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent. A district may not override the written refusal of a parent to consent to an initial evaluation or reevaluation.
- (3) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless medical, dental, mental and other health services are necessary, in the professional's judgment, that the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.
- (4) Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability through conciliation, mediation, facilitated team meetings, or 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.
- (5) Conciliation Conference: a parent has the opportunity to meet with appropriate district staff in at least one conciliation conference if the parent objects to any proposal of which the parent receives prior written notice. *District 423* holds a conciliation conference within ten calendar days from the date the district receives a parent's objection to a proposal or refusal in the prior written notice. All discussions held during a conciliation conference are confidential and are not admissible in a due process hearing. Within five school days after the final conciliation conference, the district must prepare and provide to the parent a conciliation conference memorandum that describes the District's final proposed offer of service. This memorandum is admissible in evidence in any subsequent proceeding.
- (6) In addition to offering at least one conciliation conference, *District 423* informs parents of other dispute resolution processes, including at least medication and facilitated team meetings. The fact that an alternative dispute resolution process was used is admissible in evidence at any

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

- (7) Descriptions of the mediation process, facilitated team meetings, state complaint, and impartial due process hearings may be found in *District 423's* Procedure Safeguard Notice, attached as *Appendix D*.

#### IV. Interagency Agreements the District has Entered

*District 423* has entered in the following interagency agreements or joint powers board agreements for eligible children, ages 3 to 21, to establish agency responsibility that assures that interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources:

Name of Agency	Terms of Agreement	Agreement Termination/ Renewal Date	Comments
Region 6 IEIC	July 1, 2014 – June 30, 2015	July 1, 2015	District 423 is represented at all Region 6 IEIC meetings.

#### V. Special Education Advisory Council

In order to increase the involvement of parents of children with disabilities in district policy making and decision making, *District 423* has a special education advisory council.

- A. *District 423's* Special Education Advisory Council is individually established and not in cooperation with other districts.
- B. *District 423's* Special Education Advisory Council is not a subgroup of other committees.
- C. At least half of *District 423's* parent advisory councils' members are parents of students with a disability.
  - a. The district has nonpublic schools located in its boundaries and the parent advisory council invites parents of all nonpublic school students with a disability to SEAC meetings.

Each local council meets no less than once each year.

- D. *District 423's* Special Education Advisory Council meets quarterly.
- E. The operational procedures of *District 423's* Special Education Advisory Council are attached as *Appendix E*.

#### VI. Assurances

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

Yes: Assurance given.

## **Appendix A: Hutchinson Public School's Plan for Determining a Specific Learning Disability**

The Hutchinson Public Schools support all students within the mainstream through a rigorously implemented instructional model that differentiates instruction in order to meet student's needs. Students who are not making expected progress in the general education curriculum after instructional interventions have been provided may be referred for a Special Education Evaluation.

There is a Child Study Team (CST) in each school which is responsible for reviewing all referrals from teachers, parents, and outside agencies. The CST meets regularly to review student pre-referral interventions and the progress or lack of progress that has been made. From this information the team determines whether or not an evaluation is warranted based on the information available.

For students who are suspected of having a Specific Learning Disability, the Hutchinson Public Schools uses the discrepancy model as well as Response to Intervention in identifying students with a Specific Learning Disability

### **Definition of Specific Learning Disability**

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The disorder is:

- A. manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the child does not learn at an adequate rate for the child's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment; and
- B. demonstrated primarily in academic functioning, but may also affect other developmental, functional, and life adjustment skill areas; and may occur with, but cannot be primarily the result of: visual, hearing, or motor impairment; cognitive impairment; emotional disorders; or environmental, cultural, economic influences, limited English proficiency or a lack of appropriate instruction in reading or math.

### **Criteria for Specific Learning Disability**

A child is eligible and in need of special education and related services for a specific learning disability when the child meets the criteria in items A, B, and C or in items A, B, and D below. Information about each item must be sought from the parent and must be included as part of the evaluation data. The evaluation data must confirm that the effects of the child's disability occur in a variety of settings. The child must receive two interventions, as defined in Minnesota Statutes, section 125A.56, prior to evaluation, unless the parent requests an

evaluation or the IEP team waives this requirement because it determines the child's need for an evaluation is urgent.

- A. The child does not achieve adequately in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation, or mathematical problem solving, in response to appropriate classroom instruction, and either:
- (1) the child does not make adequate progress to meet age or state-approved grade-level standards in one or more of the areas listed above when using a process based on the child's response to scientific, research-based intervention (SRBI); or
  - (2) the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.

The performance measures used to verify this finding must be representative of the child's curriculum or useful for developing instructional goals and objectives. Documentation is required to verify this finding. Such documentation includes evidence of low achievement from the following sources, when available: cumulative record reviews; classwork samples; anecdotal teacher records; statewide and districtwide assessments; formal, diagnostic, and informal tests; curriculum-based evaluation results; and results from targeted support programs in general education.

- B. The child has a disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings by behaviors such as inadequate: acquisition of information; organization; planning and sequencing; working memory, including verbal, visual, or spatial; visual and auditory processing; speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks.
- C. The child demonstrates a severe discrepancy between general intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, reading fluency, mathematics calculation, or mathematical problem solving. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The group shall consider these standardized test results as only one component of the eligibility criteria. The instruments used to assess the child's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized

procedures. For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean of the distribution of difference scores for the general population of individuals at the child's chronological age level.

- 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.

### **Determination of Specific Learning Disability**

In order to determine that the criteria for eligibility are met documentation must include:

- A. an observation of the child in the child's learning environment, including the regular classroom setting, that documents the child's academic performance and behavior in the areas of difficulty. For a child of less than school age or out of school, a group member must observe the child in an environment appropriate to the child's age. In determining whether a child has a specific learning disability, the parents and the group of qualified professionals, as provided by Code of Federal Regulations, title 34, section 300.308, must:
- (1) use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for a special education evaluation; or

- (2) conduct an observation of academic performance in the regular classroom after the child has been referred for a special education evaluation and appropriate parental consent has been obtained; and
  - (3) document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
- B. a statement of whether the child has a specific learning disability;
- C. the group's basis for making the determination, including that:
  - (1) the child has a disorder, across multiple settings, that impacts one or more of the basic psychological processes described in subpart 1 documented by information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and
  - (2) the child's underachievement is not primarily the result of visual, hearing, or motor impairment; developmental cognitive disabilities; emotional or behavioral disorders; environmental, cultural, or economic influences; limited English proficiency; or a lack of appropriate instruction in reading or math, verified by:
    - (a) data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; and
    - (b) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents;
- D. educationally relevant medical findings, if any;
- E. whether the child meets the criteria in items A, B, and C or items A, B, and D; and
- F. if the child has participated in a process that assesses the child's response to SRBI, the instructional strategies used and the child-centered data collected, the documentation that the parents were notified about the state's policies regarding the amount and nature of child performance data that would be collected and the general education services that would be provided, strategies for increasing the child's rate of learning, and the parent's right to request a special education evaluation.

## **Verification of Specific Learning Disability**

Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusions.

## **Appendix B: Restrictive Procedures Plan**

### **I. Hutchinson Public Schools intends to use the following restrictive procedures:**

#### **A. Physical holding**

1. Physical holding means physical intervention intended to hold a child immobile or limit a child's movement and where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a child in order to protect a child or other individual from physical injury.
  
2. The term physical holding does not mean physical contact that:
  - a. Helps a child respond or complete a task;
  - b. Assists a child without restricting the child's movement
  - c. Is needed to administer an authorized health-related service or procedure; or
  - d. Is needed to physically escort a child when the child does not resist.
  
3. Hutchinson Public Schools intends to use the following types of physical holding:
  - a. CPI Team Control Position
  - b. CPI Children's Control Position
  - c. CPI Transport Position
  - d. CPI Interim Control Position

#### **B. Seclusion: Hutchinson Public Schools will NOT be using seclusion.**

1. Seclusion means confining a child alone in a room from which egress is barred.
  
2. Removing a child from an activity to a location where the child cannot participate in or observe the activity is NOT seclusion.

### **II. Hutchinson Public Schools will monitor and review the use of restrictive procedures in the following manner:**

#### **A. Documentation:**

1. Each time physical holding is used, the staff person who implements or oversees the physical holding shall document, as soon as possible after the incident concludes, the following information:
  - a. A description of the incident that led to the physical holding;

- b. Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
  - c. The time the physical holding began and the time the child was released; and
  - d. A brief record of the child's behavior and physical status.
2. The form used to document the use of physical holding is attached in Appendix A.

## **B. Debriefings**

1. Each time physical holding is used, the staff person who implemented or oversaw the physical holding shall conduct a debriefing with staff involved, by the conclusion of the next school day after the incident concludes.
2. The debriefing will review the following requirements to ensure the physical holding was used appropriately:
  - a. Whether the physical holding was used appropriately
  - b. Whether the physical holding was the least intrusive intervention that effectively responds to the emergency
  - c. Whether the physical holding ended when the threat of harm ended and the staff determined that the child could safely return to the classroom or activity.
  - d. Whether the staff directly observed the child while physical holding was being used.
  - e. Whether the documentation was completed correctly.
  - f. Whether the parents were correctly notified.
  - g. Whether an IEP team meeting needs to be scheduled.

## **C. Oversight committee**

1. Hutchinson Public Schools oversight committee consists of the following individuals:
  - a. Lisa Kraft, Director of Special Education
  - b. Deb McKittrick, Special Education Coordinator
  - c. Cindy Larson, Elementary EBD Teacher
  - d. Pam Vilchis, Secondary EBD Teacher
  - e. Sara Nelson, Secondary School Social Worker
  - f. Anne Broderius, Elementary Principal
2. Hutchinson Public School's oversight committee meets at the beginning of each school year and at the end of each trimester

3. Hutchinson Public School's oversight committee will monitor the following:
  - a. Post-use debriefings
  - b. Training provided
  - c. IEP meetings conducted
  - d. Frequency data

**III. Hutchinson Public Schools received training in the following skills and knowledge areas:**

**1. Positive behavioral interventions**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Building-wide initiatives include: Responsive Classroom; above, below, and bottom line behavior; proactive behavioral strategies and incentives; advisor/advisee secondary relationship building opportunities; social skill groups; peer mentoring; small group counseling.

**2. Communicative intent of behaviors**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Paraverbal communication skills
- c. Proxemics and kinesics

**3. Relationship building**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Empathic listening
- c. Postvention

**4. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Verbal intervention
- c. Setting limits

**5. De-Escalation methods**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Verbal intervention

**6. Standards for using restrictive procedures**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Individual is a danger to self or others or to prevent serious property damage
- c. Last resort

**7. Obtaining emergency medical assistance**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Contact and report to school nurse any injuries that occur
- c. Contact 911 for any serious injuries

**8. The physiological and psychological impact of physical holding**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Intent to calm student
- c. Therapeutic rapport is implemented with student once tension reduction occurs

**9. Monitoring and responding to a child's physical signs of distress when physical holding is being used**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Team approach is used during physical holds in order for staff to continually monitor breathing and the physical appearance of the student
- c. CPI approved holds will be implemented by trained staff in order to prevent injury and monitor for signs of distress

**10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Staff will not use their own bodies in ways that restrict the restrained person's ability to breathe
- c. Students will not be placed in prone position or restrained in a bent over at the waist position that could interfere with breathing and oxygen intake

**11. District policies and procedures for timely reporting and documenting each incident involving use of restrictive procedure**

- a. NCI (CPI) Non-violent Crisis Intervention
- b. Restrictive Procedure Form/Physical Holding forms and Restrictive Procedures Debriefing form will be reviewed

## **12. Schoolwide programs and positive behavior strategies**

- a. Building-wide initiatives include: Responsive Classroom; above, below, and bottom line behavior; proactive behavioral strategies and incentives; advisor/advisee secondary relationship building opportunities; social skill groups; peer mentoring; small group counseling.

## **IV. Hutchinson Public Schools are committed to using positive behavioral interventions and supports.**

### **A. Positive behavioral interventions and supports:**

1. Positive behavioral interventions and supports means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.
2. EXAMPLES of system-wide strategies include: Responsive Classroom; above, below, and bottom line behavior; proactive behavioral strategies and incentives; advisor/advisee secondary relationship building opportunities; social skill groups; peer mentoring; small group counseling.

## **V. Hutchinson Public Schools will never use the following prohibited procedures on a child:**

- A.** Engaging in conduct prohibited under section 121A.58 (corporal punishment);
- B.** Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- C.** Totally or partially restricting a child's senses as punishment;
- D.** Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- E.** Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
- F.** Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of maltreatment of minors);
- G.** Withholding regularly scheduled meals or water;
- H.** Denying access to bathroom facilities; and
- I.** Physical holding that restricts or impairs a child's ability to breathe.

**Appendix C:**

HELP ME GROW – HUTCHINSON  
EARLY CHILDHOOD INFORMATION & REFERRAL  
RELEASE OF INFORMATION  
320-234-2619

CHILD'S NAME \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_

**I HEREBY AUTHORIZE THE FOLLOWING AGENCIES/INDIVIDUALS:**

_____ Help Me Grow - Hutchinson	_____ McLeod County
_____ Hutchinson School District Nursing Early Childhood Special Education Early Childhood Family Education	_____ McLeod County Public Health  _____ Physician
_____ Head Start	_____ Other

**TO RELEASE THE FOLLOWING INFORMATION/DOCUMENTS CONCERNING MY CHILD:**

_____ Birthdate, Address, Phone, Family Information, Emergency Information	_____ Progress Report
_____ Assessment and Summary Reports	_____ Discharge Summary
_____ Individual Family Service Plan/IEP	_____ Health & Medical Data
_____ Other	_____ Other

**TO THE FOLLOWING AGENCIES/INDIVIDUALS:**

_____ Help Me Grow – Hutchinson	_____ McLeod County Human Services
_____ Hutchinson School District Nursing Early Childhood Special Education Early Childhood Family Education	_____ McLeod County Public Health  _____ Physician
_____ Head Start	_____ Other

**I WISH TO WITHHOLD INFORMATION ABOUT :**

\_\_\_\_\_

I UNDERSTAND THE INFORMATION/DOCUMENTS WILL BE USED FOR THE PURPOSE OF PROGRAM PLANNING AND PROVISION OF SERVICES TO MY CHILD.  
THIS AUTHORIZATION SHALL APPLY FOR ONE YEAR FROM DATE OF SIGNATURE.

**PARENT/GUARDIAN**

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

To Clients: Your records are protected by state and federal privacy regulations and cannot be disclosed without your prior written consent. You may withdraw or cancel consent at any time prior to release of the requested information. To Third Parties: Upon request by client, in accordance with state statues, this agency is required to provide access for the client to the information contained on this request form or obtained or supplied as a result of this request form.

**Appendix D: Procedural safeguards, Part B and Part C**

<http://education.state.mn.us/MDE/SchSup/ComplAssist/ProcSafe/>

## **Appendix E: Hutchinson Public School's Operational Procedures for the Special Education Advisory Council**

- Purpose:** In order to increase the involvement of parents of children with disabilities in the Hutchinson Public School's policy and decision making a Special Education Advisory Council has been created and maintained.
- Scope of Responsibility:** Hutchinson Public Schools shall create and implement advisory council guidelines to include:
- Purpose of the Council:** The purpose of the council is to advise the Special Education Administration in its mission to prepare all students for the future by having an advisory council in which parents of children receiving special education services and the school district can work together for the continuous improvement of special education services.
- Composition of the Council:** The council shall be co-chaired by a parent of a student who is receiving special education services in Hutchinson Public Schools and the Director of Special Services. Agendas will be prepared by the special education administration in collaboration with council members. The designated members of the council shall be parents of children receiving special education services, the Director of Special Services, the Coordinator of Special Education, and other staff members selected by the Director. At least half of the designated members must be parents of children receiving special education services.
- Participation of Parents of Children Receiving Special Education:**
- All parents of students with disabilities are contacted and invited to attend the Special Education Advisory Council meeting. The meetings will be publicized using district wide communication through Hutchinson Public Schools.
- Tasks of the Council:** The council shall meet at least quarterly. The primary tasks of the council shall be to make recommendations to the special education administration for improvement of special education services.
- Reporting:** Agendas and minutes shall be maintained by the special education administration in the special services office. This information is accessible to parents at any time. The council will be available to make a report to the school board concerning the council's activities.