



SECTION 1

Child Find and Identification

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CHILD FIND

All public school districts have a responsibility to announce the availability of Special Education Services. Marketing materials, newspaper announcements, school brochures, web sites and handbooks are some of the vehicles used to inform the public and families.

IDENTIFICATION OF LEARNERS WITH DISABILITIES

Minnesota law restricts the information that districts may request at the enrollment stage in order to protect students from being discriminated based on their disability or need for service. "Charter schools can ask for basic information from students, such as their name, contact information, including address and phone number, and the name of the parent or guardian." "Once a student is admitted and enrolled in a charter school, additional information can be requested to assist with a student placement." This two part process can be done during one registration session with the student and their family.

Our districts often enroll learners who have previously attended another school. Some of these learners have been in other Minnesota public schools, in non-public school or were home-schooled. Periodically, a learner may be coming from a school in another state. It is critical that information exchanges between the parent(s) or individual(s) acting in the role of parent and charter school staff include documentation regarding whether the learner previously received special education and/or has an **Individual Education Program (IEP)** plan after the student has been enrolled. Special Needs designation is ruled "optional" information at the point of enrollment.

It is often useful to ask parents after enrollment to discuss their child's strengths and needs for the purpose of educational planning for the child/youth. **(See Form 1-1 at the end of this section for an example of an intake interview)**

Examples of Information Exchange Questions:

The learner:

What are the learner's strengths? How can those strengths best be maximized?

What seems challenging for the learner? What helps to minimize challenging events or behaviors?

What other important things do you think a school should know about the learner?

Learning strategies and learning situations:

What has worked well in the past?

What has not worked very well?

What would you recommend to be tried again? Any suggested changes?

What kinds of situations/places bring out the best in the learner?

What kinds of situations/places are challenging for the learner?

Sometimes parent(s) are unfamiliar with the term *special education* and/or *IEP* or have concerns about sharing that information with a new school. Questions such as those given above may help the parent view relevant information exchanges as key to effective planning for their child. Below are some examples of questions that can be used in the documentation process to meet our obligation to identify a learner with

special education needs following enrollment and acceptance. Document questions asked and the responses provided.

Examples:

Has your child ever had any special testing in school?
Has your child had special education (an IEP, special teachers)?
We want to plan with you to meet any special needs your child might have in school: health needs, learning needs or behavior needs.
Has your child had any special help in your previous school: special education or another special program?

Child/Student Study Team

1. A Child/Student Study Team/Student Assistance Team (CST/SST/SAT) operates in each school. The CST/SST is under the direction of the Director or his/her designees. The leadership, staffing and method of functioning of the CST/SST's are the responsibility of Director working in collaboration with his/her respective teams.
2. The CST/SST have the responsibility to determine the appropriateness of referrals (see Pre-referral and Referral Section). The CST/SST will identify all special evaluation needs, the titles of the evaluators, the reason(s) and plan for the evaluation(s). Parents must be afforded the opportunity to have input into all decisions related to evaluation decisions.
3. All members of the CST/SST have the responsibility to ensure all due process requirements are followed in reference to all aspects of the evaluation, service delivery and re-evaluation process, as outlined by Minnesota Rules and Regulations as well as Federal Law and Regulations, including adhering to appropriate time lines.
4. Best practice involves weekly, biweekly, or monthly meetings with accurate attendance logs and documentation of business.

SCHOOL RECORD REQUESTS

When requesting records from the previous school district, with the student's name and date of birth, specify special education (IEP and evaluation support at a minimum), discipline documentation, health records and cumulative file information. Minnesota State law allows districts to exchange these kinds of information on learners planning to enroll in another public school, within the state, without written parent permission. Document and date the request for this information exchange.

REQUIRED RESPONSES TO PREVIOUSLY IDENTIFIED LEARNERS

The learner will first be enrolled, then registered. An IEP team, including parents, should convene and review the existing **IEP** and evaluations as soon as it becomes known that a new learner with an **IEP** is transferring into the school district. See Section 7 about **Learner Transfers** for precise guidelines in these situations.

PARENTAL REQUEST TO STOP SPECIAL EDUCATION SERVICES

Sometimes a parent may ask about stopping special education services before or during an enrollment or registration process. Parents may refuse special education services at anytime.

A parent can now revoke consent for special education and related services at anytime. A district cannot use mediation or due process hearings in an attempt to continue special education or related services when a parent revokes consent. 34 C.F.R. § 300.300 (b)(4).

A parent's revocation for consent to continue providing special education and related services must be in writing to ensure that both the district and the parents have documentation that the child will no longer receive special education and related services. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73008; 34 C.F.R. § 300.9(c)(3); 34 C.F.R. § 300.300(b)(4).

A district is not required to amend a child's education record because of the revocation of consent. 34 C.F.R. § 300.9(c)(3).

Districts will not be found to have denied a child FAPE because of a failure to provide the child with special education and related services after the parent refuses to or fails to provide consent. 34 C.F.R. § 300.300(b)(4).

Once a parent revokes consent for the continuation of special education and related services the district is not required to hold an IEP team meeting or develop an IEP for the child. 34 C.F.R. § 300.300(b)(4)(iv). Furthermore, the review of a child's IEP by the IEP team does not replace a parent's right to revoke consent for the continued provision of special education and related services to his or her child. A parent's revocation effectively removes the child from special education and moves the child into the general curriculum, thus the child's IEP does not get reviewed once the child is no longer receiving special education or related services. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73009.

Any prior written notice required by 34 C.F.R. § 300.503 must be provided in the native language of the parent or another mode of communication used by the parent, unless it is clearly not feasible to do so. 34 C.F.R. § 300.503(c)(1)(ii). Additionally, if the parent's native language or other mode of communication is not a written language, the district must take additional steps to communicate the information contained in the notice to the parent. 34 C.F.R. § 300.503(c)(2). These additional measures include taking steps to have the notice translated orally or by other means to the parent in the parent's native language or other mode of communication. The district must ensure that the parent understands the content of the notice and that there is written evidence that the prior written notice requirement has been met. 34 C.F.R. § 300.503(c); 34 C.F.R. § 300.300 cmts. at 73 F.R. 73088.

There is no specific timeline outlined in law for discontinuing special education services upon receipt of a revocation of consent by a parent. However, the comments to the federal regulations provide that a district cannot stop providing special education services until the appropriate prior written notice has been provided to the parents. 34 C.F.R. § 300.300(b)(4)(i). Districts must promptly respond to a parent's written revocation of consent to continue to special education services. Additionally, the district must provide the parent with the required prior written notice within a reasonable time before discontinuing special education services. Giving this notice within a reasonable time gives parents the necessary information to fully consider the change to their child's educational services and decide whether they have additional questions or concerns regarding the revocation. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73008; 34 C.F.R. § 300.503. The parent will be informed that the district will proceed with the proposed IEP changes unless the parent notifies the district of an objection within 14 days of when the district sends the prior written notice to the parent.

A district can ask a parent why they are revoking consent, however, a parent is not required to provide an explanation, either orally or in writing, before discontinuing special education and related services. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73008.

The required prior written notice informs parents of the educational services and supports they are declining and provides a sufficient record that parents have been appropriately informed. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73008.

A parent can only revoke consent to special education and related services in their entirety. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73011; 34 C.F.R. § 300.300(b)(4). In situations where a parent disagrees with the provision of a particular service and the parent and the district agree that the child would still receive FAPE if the child did not receive the service, the service should be removed from the child's IEP. If the child would not receive FAPE if the child did not receive a particular service, the parent may use the mediation or due process procedures available under IDEA to obtain a ruling regarding the service with which the parent disagrees. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73011.

Once a parent revokes consent for special education and related services the child is a general education student and may be placed in any classroom where other general education students are placed. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73013.

There is not a limit on a parent's right to revoke consent and then request reinstatement in special education services as this flexibility is important to address the unique and individualized circumstances surrounding each child's education. A district will not be found in violation of not providing FAPE to the child following a parent's revocation. A district is only responsible for providing FAPE during the time period the parent has provided consent for special education and related services. 34 C.F.R. § 300.300 cmts. at 73 F.R. 73014.

SAMPLE

Intake Interview Form (To be completed after enrollment)

Today's date:

Student Name:

Home address:

Parent's name:

Address if different from above:

Phone number:

Emergency Phone number: (Relative or friend not living in home)

Last school attended:

Address and phone number of last school attended:

Date of last day of attendance:

Educational History:

Current grade placement:

MCA II/Grad: Passed, Math YES/ NO Reading YES/ NO Writing YES/NO

Special Education Services: YES/NO

Type(s) of Special Education Services (check all that apply)

- Small group instruction
- Math help
- Reading help
- Writing help
- Help with behavior or social skills
- Speech/Language help
- Special Physical Education
- Transition skills
 - Life skills
 - Job skills
 - Post-secondary exploration
- Other

Did you have an Individual Education Plan YES/NO

SAMPLE

Intake Interview Form con't.

Did you have an accommodation plan: YES/NO

Types of accommodations received: (check all that apply)

- special seating
- adjusted assignments
- extra time to complete work
- behavior contract
- special notebook
- arrangement to go see someone for problem solving
- other

Who was your Special Education Teacher, Social Worker, Speech Clinician, or other support person at your last school?

Title 1 Service

Did you have a special medical condition that needed attention or monitoring?

Did you take medication at school?

What medications:

Who is your doctor?

What clinic?

Are there other things that we need to know about you in order for you to be successful here?

RESPONSIBILITIES OF THE CHARTER SCHOOL (as the “providing district”)

- A. Students attending charters will receive ongoing screening, vision and hearing, standardized testing and evaluations to determine eligibility for special services.
- B. **When the resident district “places” a learner in a special education program in a charter school**, the charter school “provides” the services.
1. It is the charter school’s responsibility to conduct screenings and evaluations, implement the *IEP*, to complete **Progress Reports** and annual **IEP reviews**, convene and facilitate IEP Team meetings and assure that due process procedures associated with these responsibilities are followed.
 2. The *IEP* must be developed jointly by the charter school and the learner’s resident district. The resident district must, at a minimum, involve a district administrator or designee to assure that the learner’s educational needs and rights are met. The resident district may appoint a member of the providing district as its administrative representative. The resident district must be provided with a **“Notice of Team Meeting”** whenever a meeting is established and the notice is sent to meeting participants.
 3. The resident district is responsible for resolving disagreements between the learner’s parent(s) or legal guardian(s) and the charter school, including conciliation and due process hearings when the placement has been made by the resident district. If the providing district receives a request for a conciliation conference, mediation or due process hearing from the parent(s) or legal guardian(s), the charter school must notify the resident district of the parent(s)’ or legal guardian(s)’ request within one school day. **Contact your Director IMMEDIATELY regarding such a request.**
- B. **When a learner is enrolled in a charter school by someone other than the resident district; e.g., open enrollment, parents, public agencies, etc.,** the charter school is responsible for assuring that an appropriate educational program is available to the learner including notices and legal due process.
1. The IEP manager may invite the resident district, via Notice of Team Meeting, to *IEP* and annual meetings.
 2. The IEP manager should check with the building office staff that the learner is enrolled in the district data systems, MARSS and should enter the student into the TIES server file, as a nonresident.
 3. Mail copies of all due process notices, including **Meeting Notices, IEPs, Evaluation Reports** and **Progress Reports** to the resident district’s Director of Special Education.
 4. The Minnesota Department of Education has a listing of current special education directors listed on their website at: <http://education.state.mn.us/WebsiteContent/SpecEdDirectors.jsp> The metro area directors are Region 11E and 11W.
 5. Contact the appropriate person for your school if further assistance is needed.

SPECIAL EDUCATION ADVISORY COUNCIL

Parent Advisory Councils:

"In order to increase the involvement of parents of children with disabilities in district policy making and decision making, school districts must have a special education advisory council that is incorporated into the district's special education system plan." MN Stat. 125A.24 (2005)

Purposes:

- A. To advise the charter school's Board of Directors and the school administration about policies and decisions affecting children and youth with disabilities;
- B. To promote cooperation between the charter school and families in the education of children and youth with disabilities;
- C. To support and encourage involvement of families of learners with disabilities in their school and educational programs; and,
- D. To promote an attitude of respect towards all learners and an appreciation of their unique differences.

Membership:

- A. The Council will consist of parents or guardians who represent the charter school and a variety of program areas.
- B. The Director of Special Education or the School Director will act as the administrative liaison between the Council and the charter school Board and the teaching staff.
- C. This advisory council may be established for individual districts or in cooperation with other charter districts, they may serve as a subgroup of an existing board, council or committee.

Terms and Duties:

- A. Council members will commit to attend an established number of Council meetings per year and to participate in occasional other Council activities.

Operating Procedures:

- A. Each year the Council will choose a secretary to record meeting notes.
- B. Recommendations of the Council will be determined by a majority vote of the members present.
- C. Recommendations of the Council will be in written form, kept on file with the Council's meeting notes by the secretary presented to appropriate source, i.e., the administration, the Board of Directors, teaching staff, and/or other committees.
- D. The Council will review and set goals annually. The number of members, frequency of meetings, and operation procedures are to be locally determined.
- E. The Director(s) will report back to the Council of the responsiveness of appropriate source(s) to recommendations.